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VOLUME THREE

BRIGHT-COMMENTATORS

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CÁRDENAS, FRANCISCO DE	*Fernando de los Ríos*
CARDOZO, JACOB NEWTON	*Broadus Mitchell*
CARDUCCI, GIOSUÈ	*Benedetto Croce*
CAREER	*Helen Everett*
CAREY, HENRY CHARLES	*Paul T. Homan*
CAREY, MATHEW	*A. D. H. Kaplan*
CARLE, GIUSEPPE	*G. Solari*
CARLETON, GUY	*A. L. Burt*
CARLI, GIAN RINALDO	*Roberto Michels*
CARLILE, RICHARD	*Norman E. Himes*
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CARY, JOHN	*J. F. Rees*
CASA DE CONTRATACIÓN	*Clarence H. Haring*
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CASTE	*A. L. Kroeber*
CASTELAR Y RIPOLL, EMILIO	*José Antonio Rubio*
CASTELLIO, SÉBASTIEN	*W. Köhler*
CASTILLA, RAMÓN	*W. W. Pierson, Jr.*
CASTLEREAGH, ROBERT STEWART	*Charles K. Webster*
CASTRO, CIPRIANO	*J. Fred Rippy*
CASTRO, JUAN DE	*Earl J. Hamilton*
CASUAL LABOR	*Paul F. Brissenden*
CASUALTY INSURANCE	*James A. Beha*
CASUISTRY	*Felix S. Cohen*
CASUS BELLI	*H. Milton Colvin*
CATHERINE II	*Paul Miliukov*
CATHOLIC EMANCIPATION	*Denis Gwynn*
CATHOLIC PARTIES	*Ludwig Bergsträsser*
CATO, MARCUS PORCIUS	*Max Radin*
CATTANEO, CARLO	*Alessandro Levi*
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CATTLE LOANS	*J. Franklin Ebersole*
CAUCUS	*Paul DeWitt Hasbrouck*
CAUER, MINNA	*Else Lüders*
CAUWES, PAUL LOUIS	*William Oualid*
CAVEAT EMPTOR	*Walton H. Hamilton*
CAVOUR, CAMILLO BENSO DI	*Carlton J. H. Hayes*
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CHAMBERLAIN, JOSEPH	*Herbert Solow*
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CHAMBERS OF COMMERCE	*Paul Studenski*
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CHAMPOLLION, JEAN FRANÇOIS	*Alexandre Moret*
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CHANG HSÜEH-CH'ENG	*Arthur W. Hummel*
CHANGE, SOCIAL	*William F. Ogburn*
CHANNING, WILLIAM ELLERY	*Granville Hicks*
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CHAPTAL, JEAN ANTOINE	*Henri Sée*
CHARACTER	*A. A. Roback*
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CHEVALIER, MICHEL	*Roger Picard*
CHEYSSON, ÉMILE	*Moses J. Aronson*
CHICHERIN, BORIS NIKOLAYEVICH	*Georges Gurvitch*
CHILD, JOSIAH	*Henry Higgs*
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CHUANG TZU	*Koppel S. Pinson*
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COCCEJI, HEINRICH VON	*Erik Wolf*
COCCEJI, SAMUEL VON	*Erik Wolf*
COCHIN, AUGUSTIN	*Crane Brinton*
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COHN, GEORG LUDWIG	*Leonhard Adam*
COHN, GUSTAV	*Edwin R. A. Seligman*
COINAGE	*M. Palyi*
COKE, EDWARD	*Theodore F. T. Plucknett*
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COMMENTATORS	*H. D. Hazeltine*

Encyclopaedia
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Encyclopaedia of the Social Sciences

BRIGHT, JOHN (1811–89), English politician. He was, with Richard Cobden, leader of the Anti-Corn Law League and the chief representative of the politically emerging manufacturing class. Bright had little formal schooling and entered his father's cotton manufacturing business at the age of fifteen. His interest in public questions grew out of his business experience. He became an important member of the Manchester school of economists and rose to great eminence as an orator in Parliament and on the public platform in the interests of the liberal reforms of his age.

John Bright's chief work was as headmaster of Cobden's "peripatetic political university," which aimed to align the force of public opinion behind the middle class demand for the repeal of the Corn Laws. His speeches bearing on this issue, commonly phrased in terms of ideal justice, appealed emotionally to various class and social interests. Bright himself saw the Anti-Corn Law movement as one of "the commercial and industrial classes against the lords and great proprietors of the soil," and as such it has come down in history.

Bright also supported the movement against land monopoly that was taking form in the same social situation. He argued that the land laws of England and Ireland were expressly designed to make the land a monopoly in the hands of the few and to maintain the prestige of the governing aristocracy. As late as 1870 he still blamed the landlords for the greater part of pauperism. Bright argued here, as his fundamental economic beliefs caused him to argue in other situations, for such a change in the law as would "bring the truths of political economy and the law of justice within reach of all." Specifically he urged the abolition of the law of primogeniture and entails and the establishment of freedom in the transfer of land. He also viewed as necessary the disestablishment of the church in Ireland.

In his attitude toward the labor problems of the time Bright was limited by the preconceptions of his class and by an economic creed which distrusted governmental interference in the labor contract. He opposed factory legislation for men, although he thought there was a special case for women and children. On the other hand he was a leader in general humanitarian legislation, spoke in defense of better government of India and of religious equality and protested against the game laws, slavery and capital punishment. He was a leader in promoting parliamentary reform and political rights for working men, partly, no doubt, because working class support was necessary for further attacks by the middle class upon the privileges of the aristocracy. In 1877 Bright proudly recalled the Reform Bill of the previous decade and reminded his audience what a terrible thing it had been in prospect—"how many people said we were going to Americanize our institutions."

In international affairs Bright was a liberal, an opponent of war and a Little Englander. He looked to free trade, "the international law of the Almighty," to break down the barriers between nations. He continuously opposed the foreign policy of England and once characterized it as "neither more nor less than a gigantic system of out-door relief for the aristocracy of Great Britain."

A religious and conscientious person, a member of the Society of Friends, Bright maintained a keen interest in all those thrifty virtues which promoted the well-being of individuals. He was a model employer and kept a children's school, an adults' school and a reading room for his workers. He was interested in the temperance movement, in a cheap press and was a great admirer of the public schools of the United States. During the American Civil War, despite the widespread middle class preference for the free trade, cotton growing South, Bright urged the importance of a Union victory for the further progress of democracy in England. Appealing to religious and moral rather than economic considerations Bright threw his weight with the North and did much to restrain English intervention.

GUSTAV PECK

Consult: *Public Addresses of John Bright*, ed. by J. E.

Thorold Rogers (London 1879); Trevelyan, G. M., *Life of John Bright* (2nd ed. London 1925); Robertson, William, *Life and Times of John Bright* (London 1883).

BRINKERHOFF, ROELIFF (1828–1911), one of the outstanding figures in social service in the United States during the last quarter of the nineteenth century. As an active politician he had swung from the Democratic party to the Republican on the slave issue and back again on free trade. In 1873 he established a savings bank, retired from his other activities and devoted the rest of his active life to banking and to the still later interest of social service, particularly of penology. All of his life he rode hobbies—well and thoroughly. Social service "for the love of God and humanity," as he was wont to express it, was his last and greatest hobby. In 1878 he was appointed to the Ohio Board of State Charities and remained a member until his death. He succeeded ex-President Hayes as president of the National Prison Association and was vice president of the International Prison Congress which met in Paris in 1895. General Brinkerhoff was a prolific writer and speaker for prison reform and for reformed methods of care of state wards in general. The proceedings of the National Conference of Social Work and of the American Prison Association for a period of more than twenty years are eloquent of his interest. His *Recollections of a Lifetime* (Cincinnati 1900) tells the story of a versatile and active career. He was one of a hardy group of pioneers in the pre-professional days of social work and enriched the social service of his time by wide experience, mature judgment and boundless energy.

JOSEPH P. BYERS

Consult: National Conference of Charities and Corrections, *Proceedings*, vol. xxxviii (1911) 478–79.

BRINTON, DANIEL GARRISON (1837–99), American anthropologist. After preparing for the practise of medicine Brinton rendered distinguished service as a surgeon in the Civil War. His interest in medicine continued and in 1874 he became editor of the *Medical and Surgical Reporter*, which rose under his hand to a place of leadership in medical science. In 1887, however, he retired to devote himself to anthropology.

Even at the beginning of his medical career the anthropology of the New World had been a rival interest; it became the field which ultimately claimed his entire attention. To it he devoted years of teaching, and from the publication of his first book, *Notes on the Floridian Peninsula* (Philadelphia 1859), to his death he contributed a series of writings totaling twenty-three books and more than two hundred articles. Brinton was one of the early academic figures in American anthropology, being appointed in 1886 to a professorship in linguistics and archaeology at the University of Pennsylvania, the second American university to create a chair in anthropology. He was, with Gallatin and Morgan, one of the founders of the ethnological study of the American Indians. In the field of linguistics he showed a remarkable ability for mastering and classifying Indian languages and displayed considerable polemic power in contesting the theory of the Asiatic origin of American Indian civilizations. He sought to prove, on the basis of monographic studies of peculiar morphological traits, that the American Indian languages constituted one of the great speech families of the world. His *The American Race: a Linguistic Classification and Ethnographic Description of the Native Tribes of North and South America* (New York 1891) was a pioneer work.

But Brinton's most important contribution lay in the field of religion and mythology. He diligently collected and translated aboriginal materials for the *Library of Aboriginal American Literature* (1882–87), which provided the native text of Indian mythology and folklore with translation and notes by the editors. Brinton himself edited most of the volumes in this series, among them a publication of the first importance, *The Maya Chronicles*. In addition to this gathering of source materials Brinton carried through analyses and synthetic interpretations, starting with *The Myths of the New World: a Treatise on the Symbolism and Mythology of the Red Race in America* (New York 1868) and ending with his *Religions of Primitive People* (New York 1897). The postulate of the psychic unity of mankind underlies all his work in the field of comparative religion and caused him to argue for the spontaneous origin of religious parallelisms.

Brinton's work was almost entirely based on research rather than field work. He was, however, exacting in method and dynamic in treatment. Abroad as well as at home he was recognized as the leading American anthropologist of his generation.

CLARK WISSLER

Consult: "The Brinton Memorial Meeting" in American Philosophical Society, *Proceedings*, memorial vol. (1900) 210–72, which contains a complete

bibliography of Brinton's writings; Chamberlain, H. F., in *Journal of American Folk-Lore*, vol. xii (1899) 215–25; Boas, F., in *Globus*, vol. lxxvi (1899) 165–66.

BRINZ, ALOIS VON (1820–87), German jurist. Brinz was professor of law at Erlangen, Prague, Tübingen and Munich. Beginning with classical philology, he soon turned to jurisprudence. He intended at first to study Roman law sources only by way of preparation for later Germanistic studies but they attracted him to such an extent that he remained a Romanist. In this field he wrote his most important work, the *Lehrbuch der Pandekten* (2 vols., Erlangen 1857–71; 2nd ed., 4 vols., 1873–92). He is known particularly for his theory of juristic persons, regarding them as fictitious and existing only for the furtherance of definite objects. His doctrine of debt and liability appeared in modified form in Amira's work (disapproved, however, by Brinz himself); it was acclaimed in the Germanistic school and then surprisingly was also accepted by investigators of ancient law. Today it is recognized as fundamental. Brinz also has to his credit numerous dogmatic and historical essays such as his studies of *obligatio* and *compensatio*. His positivist, critical contributions to the *Kritische Vierteljahrschrift für Gesetzgebung und Rechtswissenschaft* founded the reputation of that journal. His celebrated review of Ihering's doctrine of juristic construction is particularly worth reading in the present period of disputes over method.

During his sojourn at Prague (1857–66) Brinz was also active politically. Although of Austrian origin and sympathies he worked for a united Germany.

Franz Sommer

Consult: Lotmar, P., in *Allgemeine deutsche Biographie*, vol. xlvii (1903) 241–59; Stintzing, R. von, and Landsberg, E., *Geschichte der deutschen Rechtswissenschaft*, 3 vols. (Munich 1880–1910) vol. iii, pt. 2, p. 842–47.

BRISBANE, ALBERT (1809–90), American social theorist. Of wealthy parentage, Brisbane as a young man traveled widely through Europe and Asiatic Turkey, observing social institutions and establishing intimate personal contacts with contemporary intellectual and social movements. He met Fourier, became his ardent disciple and upon his return to America in 1834 began a most successful campaign to disseminate Fourier's ideas. Brisbane's *Social Destiny of Man* (Philadelphia 1840) impressed Horace Greeley, who joined him in founding and editing Fourierist journals and finally turned over to him a column in the New York *Tribune* (1842–44) to be devoted to the cause. Brisbane was the leading spirit in the establishment of several phalanxes, notably the North American Phalanx (1842), and succeeded in converting many of the Brook Farm group to the idea. Although the failure of most of these experiments in the fifties led to the cessation of Brisbane's active participation in the movement, he did not admit the failure of the underlying principles, which he restated in his *General Introduction to Social Science* (New York 1876). The remainder of his life was devoted largely to the invention of several mechanical devices.

Brisbane has been called the first American socialist. Nevertheless he despised political action, refusing to see any essential distinction between the American republic and the despotism of the sultan of Turkey, and considered the class struggle futile and destructive. He was no exponent of a new system of ethics, justice or human rights, but subordinated all these to the "efficiency" principle, which he opposed to the principle of competition. In Brisbane's plan as in Fourier's, the capitalist would continue to share in the returns because of his ownership of the capital; but production would be so much increased that the three twelfths given to the capitalist would not be missed by the workers. This staggering increase in economic productivity would be brought about by an organization of both production and consumption under a cooperative phalanstery.

Selig Perlman

Consult: Brisbane, Albert, *A Mental Biography* (Boston 1893); Ware, Norman, *The Industrial Worker, 1840–60* (Boston 1924) p. 164–74; Commons, J. R., and associates, *History of Labour in the United States*, 2 vols. (New York 1918) vol. i, p. 497–506.

BRISSAUD, JEAN BAPTISTE (1854–1904), French social and legal historian. Brissaud held professorships on the law faculties of Berne, Montpellier and Toulouse. He translated into French several volumes of Mommsen and Marquardt's manual of Roman antiquities, was from 1880 until his death an editor of the *Revue générale du droit* (Paris) and a frequent contributor to other scientific journals. He compiled important bibliographies of the customs of southern France, published in the *Kritischer Jahresbericht über die Fortschritte der romanischen Philologie* (vol. v, pt. iii, 1898, p. 60–76).

Brissaud's study of the work of Claude Joly constitutes an important contribution to the history of the casuist school of international law. His *Manuel d'histoire du droit français* (2 vols., Paris 1898–1904, 2nd ed. 1908; pts. ii and iii tr. in vols. ix and iii of Continental Legal History series, Boston 1915 and 1912) is Brissaud's most extensive treatise. Critical and erudite, it recalls in method and value the German *Lehrbücher*, especially the work of Richard Schroeder. Brissaud combines the comparative and the historical methods in this study of French law. His treatment is not formal but organic; he seeks the economic, social and political causes of legal growth and tries to portray the environment in which constitutional institutions developed. In showing the evolution of French law from Roman down to modern times he makes constant use of foreign sources. The four hundred pages of source material in the work constitute a complete documentary exposition of ancient law.

Joseph Delpech

Consult: Roschach, E., in Académie des Sciences, Inscriptions et Belles-Lettres de Toulouse, *Mémoires*, 10th ser., vol. v (1905) 315–48, including a bibliography of Brissaud's works; Caillemer, R., and Delpech, J., in *Revue du droit public et de la science politique*, vol. xxii (1905) 454–60.

BRISSOT DE WARVILLE, JACQUES-PIERRE (1754–93), French journalist, social reformer and revolutionary leader. He was educated at Chartres and at fifteen began to study law but soon abandoned it. His great humanitarian zeal found a ready outlet in journalism, which he aimed to make a medium of enlightenment and social reform. His interest in the abolition of slavery led him to organize in 1788 the Société des Amis des Noirs, which under Brissot's direction later exercised a considerable influence on revolutionary colonial policy. He also gave momentum to the penal reform movement. In *Recherches philosophiques sur le droit de propriété et de vol* (Chartres 1780) he based his argument against the death penalty for larceny on the principle that the institution of property in modern society is a violation of natural law. It was in this work that the phrase later made by Proudhon, "La propriété, c'est le vol," first appeared. Fundamentally, however, Brissot believed in the protection of property and went no farther in his social program than to demand work for all.

Brissot evinced a strong interest in the United States and both through the Gallo-American Society, which he founded, and through his *De la France et des États-Unis* (London 1787, new ed. Paris 1791; tr. into English as *Considerations on the Relative Situation of France and the United States*, London 1788, and as *Commerce of America with Europe*, London 1794), in which he collaborated with Clavière, he advocated the fostering of commercial relations between France and America. After traveling in the United States on behalf of a group of French financiers to gather information for speculation in the American debt and western lands he wrote his well known *Nouveau voyage dans les États-Unis de l'Amérique septentrionale, fait en 1788* (published with *De la France et des États-Unis*, 3 vols., Paris 1791; tr. into English, 2 vols., 2nd ed. London 1794), in which he expressed his admiration for the simplicity of American life. The enthusiasm he thus displayed was thought by his political opponents during the revolution to add weight to their grave charge that Brissot desired to model the French constitution on the American.

Shortly after the revolution began Brissot launched a daily newspaper, *Le patriote français*, which was to become the chief organ of the Girondists. He soon made his influence felt in revolutionary circles; and in the Legislative Assembly and later in the Convention he became one of the recognized leaders of the Girondists, who were also called Brissotins. He was particularly influential in the precipitation of the foreign wars, through which he hoped that revolutionary doctrine would be disseminated. After the victory of the Mountain in May, 1793, Brissot was proscribed with the other leaders of his party and on October 31 he mounted the scaffold.

Elliott M. Grant

Consult: Brissot's *Mémoires*, containing critical essay and notes, ed. by Cl. Perroud, 2 vols. (Paris 1911); Ellery, Eloise, *Brissot de Warville, a Study in the History of the French Revolution* (New York 1915); Davis, J. S., *Essays in the Earlier History of American Corporations*, 2 vols. (Cambridge, Mass. 1917) vol. i, p. 151–66; Faÿ, Bernard, *L'esprit révolutionnaire en France et aux États-Unis à la fin du xviii^e siècle* (Paris 1925), tr. into English by Ramon Guthrie (New York 1927) p. 237–46; Goetz-Bernstein, H. A., *La politique extérieure de Brissot et des girondins* (Paris 1912); Lichtenberger, André, *Le socialisme au xviii^e siècle* (Paris 1895) p. 413–19.

BROADHURST, HENRY (1840–1911), English trade union leader and Liberal-Labor politician. After achieving prominence as an officer of the conservative and powerful stonemasons' union he was in 1875 appointed secretary of the

Parliamentary Committee of the Trades Union Congress. By 1875 trade unionism had won its severest parliamentary battles so that except for the important Employers' Liability Act, the passage of which Broadhurst greatly facilitated, his program was limited to minor, though useful, reforms. Both in his middle class philosophy and in his emphasis upon legislation as a means of raising the status of trade unions Broadhurst continued the tradition established by Applegarth and other members of the "Junta." In 1880 he entered the House of Commons as a Liberal and rendered such service to his party that in 1885 he was named under-secretary of state to the Home Department, the first working class appointment to the ministry. Thus his career exemplifies the alliance of labor with liberalism under Gladstone. Broadhurst's influence within the unions began to wane about 1885 with the rise of a new school of thought which had grown out of socialist doctrines and changed economic conditions. Against the demands of these new leaders for independent political action and a legal eight-hour day Broadhurst continued to defend the traditional policy. Although within the limits of his program he showed great skill and industry his policy was condemned by the Trades Union Congress and in 1890 he resigned from the secretaryship. He remained in Parliament until 1906 as a member of the radical wing of the Liberal party.

Frances E. Gillespie

Consult: Broadhurst's autobiography, *Henry Broadhurst, M. P.: The Story of his life from a Stonemason's Bench to the Treasury Bench* (2nd ed. London 1901); Davis, W. J., *The British Trades Union Congress* (London 1910); Webb, S. and B., *The History of Trade-Unionism* (rev. ed. London 1920).

BROCA, PIERRE-PAUL (1824–80), French anthropologist. After studying medicine and specializing in anatomy Broca became lecturer at the University of Paris and in 1867 professor of anatomy. His interest in comparative anatomy was focused by the contemporary controversy, stirred up by Darwin's writings, as to the monogenetic or polygenetic origin of man. Refusing to compromise as did those who attempted to soften their scientific position as to man's relationship to the apes, Broca showed that the anthropoids are to be regarded not as quadrupeds but as bipeds and thus closely identified with man. His later detailed studies on the brain bore out his position. From 1861 to 1865 he specialized in research in the localization of function in the brain, and marked the place of speech control as resting in the third frontal convolution, which has been named the "convolution of Broca."

Broca was always interested, however, in the larger aspects of the study of the human form and was ever alive to the importance of the recognition of its close relationship to the study of human culture. He founded in 1859 the Société d'Anthropologie and after attaining his professorship he started the Institut d'Anthropologie. Here in the laboratory he inaugurated research on the comparative anatomy of primates and also gave large consideration to the task of perfecting instruments which would enable more accurate anthropometric and craniometric measurements to be made. His *Instructions générales pour les recherches anthropologiques à faire sur les vivants* (Paris 1865, 2nd ed. 1879) and his *Instructions craniologiques et craniométriques* (Paris 1875) did much to crystallize anthropometric method at a crucial time. After the war of 1870, in which he served as physician, he founded the *Revue d'anthropologie* in January, 1872, and remained its editor until his death. In 1876 he founded the École d'Anthropologie, which was finally combined with the anthropological society and laboratory to form the Institut Anthropologique. In later years Broca gave much attention to the problem of cerebral morphology.

Melville J. Herskovits

Important works: Broca's more important anthropological writings were collected as *Mémoires d'anthropologie*, 5 vols. (Paris 1871–88).

Consult: Pozzi, S., in *Revue d'anthropologie*, 2nd ser., vol. iii (1880) 577–608, containing a bibliography of Broca's writings; Dally, E., in Société d'Anthropologie de Paris, *Bulletins*, 3rd ser., vol. vii (1884) 921–36; Brabrook, E. W., in *Journal of the Anthropological Institute*, vol. x (1881) 242–61.

BROCKWAY, ZEBULON REED (1827–1920), American penologist. After several years of service as a prison official he became in 1861 head of the House of Correction in Detroit. Brockway was the first to incorporate the indeterminate sentence in American statutes. In 1869 he drafted a Michigan law embodying this principle but it was soon practically nullified by the courts. Of far greater importance in this connection was Brockway's drafting of legislation concerning the treatment of inmates at the recently opened New York State Reformatory at Elmira and directing that male first offenders between sixteen and thirty be sent to that institution under an indeterminate sentence. As a reluctant concession to the courts and the public Brockway incorporated in this legislation the provision that the term should not exceed the maximum specified by law for the crime committed. The success which Brockway's experiment was to meet has been partly responsible for the fact that today most states have indeterminate sentence laws applying to varying numbers of persons committed to reformatories and prisons.

Elmira was the first state reformatory for male adults in the United States. As its first superintendent (1876–1900) Brockway put into effect the provisions specified in the law—a system of marks and classifications as an incentive to good behavior, parole and the indeterminate sentence—and further elaborated his program of reform by introducing physical and military training, general education and trade instruction. Brockway's methods, known as the "Elmira system," have attracted attention in many countries. Elmira remains one of the most progressive reformatories in the United States.

WINTHROP D. LANE

Consult: Brockway, Zebulon, *Fifty Years of Prison Service* (New York 1912); Russell Sage Foundation, *Prison Reform; Criminal Law in the United States*, and *Penal and Reformatory Institutions*, ed. by C. R. Henderson (New York 1910); Wines, F. H., *Punishment and Reformation* (rev. ed. by W. D. Lane, New York 1919) ch. x.

BROGGIA, CARLO ANTONIO (1683–1763), Italian merchant and writer on public finance. At Naples he came under the influence of Bartolomeo Intieri and Marchese Rinuccini who, according to Galiani, interested him in economic study. His principal achievement was to outline with far more insight than the cameralists and his other contemporaries a system of taxation. As described in the *Trattato dei tributi; delle monete e del governo politico della sanità* (Naples 1743; reprinted with his other works in the Custodi collection, first part, vols. iv and v, Milan 1804) this plan combined direct and indirect taxation with a view to distributing the burden in proportion to ability to pay. Direct taxes were to be not personal but impersonal, and were to be levied against fixed returns from land and capital, not excluding loans to the state or community. Industrial profits and personal property were to be reached indirectly by means of import and export duties, sufficiently low not to restrict trade, and by other types of consumption taxes. Broggia also insisted upon greater simplicity and less arbitrariness in the assessment and collection of taxes. He was exiled to Palermo as a result of a later pamphlet, *Memoria ad oggetto di varie politiche ed economiche ragioni* (Naples 1754), in which he criticized the Neapolitan ministry and maintained, against the jurists of the old school, the right of the state to redeem tax farm concessions granted its creditors, at any time and at the current price.

AUGUSTO GRAZIANI

Consult: Ricca-Salerno, G., *Storia delle dottrine finanziarie in Italia* (2nd ed. Palermo 1896) p. 227–35 and 396–98.

BROGLIE, ACHILLE VICTOR, DUC DE (1785–1870), French statesman and diplomat, son of Prince Victor Claude Broglie. His education in the republican schools after the Terror and the influence of Mme. de Staël and other liberal aristocrats made him deeply devoted to "new France." Entering public life at an early age he served Napoleon as auditor in the Council of State and as attaché on various diplomatic missions. Under the Restoration he voted with the governmental opposition in the Chamber of Peers and used his influence somewhat unsuccessfully to liberalize the policy of the Bourbons. When the July Monarchy was established Broglie, who had been acting in concert with the *doctrinaires* since 1827, joined the government; in 1832 he was made minister of foreign affairs and in 1835 leader of the ministry. His attitude toward the Mehemet Ali affair, the Carlist revolt in Spain and other international crises was dominated by the desire to preserve the friendship of England, already won by Talleyrand, and if possible to thwart Russia. Convinced that Louis Philippe guaranteed to the French nation an important place in foreign affairs as well as a certain measure of internal freedom, Broglie vigorously opposed the efforts of republicans to overthrow the regime and sponsored the laws of 1835 aimed at judicial repression and intimidation of the press. His powerful influence, radiating through his wife's salon, helped to create the illusion that the July Monarchy was destined to remain. During these years he also directed his influence against the slave trade and was responsible for the measure of 1845 providing for the gradual abolition of slaves in French colonies. When the Revolution of 1848 came he made a fruitless effort in the National Assembly to restore the constitutional monarchy. For the rest of his life he pursued in retirement a policy of bitter opposition to the Second Empire.

ÉMILE BOURGEOIS

Works: *Souvenirs*, 4 vols. (Paris 1886); *Écrits et discours*, 3 vols. (Paris 1863); *Le libre échange et l'impôt* (Paris 1879); *Vues sur le gouvernement de la France* (Paris 1870).

Consult: Guizot, F. P. G., *Le duc de Broglie* (Paris 1872); Mignet, F., *Nouveaux éloges historiques* (Paris 1877) p. 285–323; Thureau-Dangin, P. M. P., *Histoire de la monarchie de juillet*, 7 vols. (Paris 1884–92); Bourgeois, Émile, *Manuel historique de politique étrangère*, 4 vols. (Paris 1892–1926) vol. iii (7th ed. 1925) chs. i–viii.

BROKER. A broker is an intermediary who negotiates a sales contract between two parties. Although the broker is in some ways similar to an agent and to a commission merchant or factor, at law he is clearly distinguished from both. The agent, while acting within the scope of his general authority, may bind his principal; the commission merchant who is actually possessed of his principal's goods may make a sale which is binding upon his principal; but the broker acts only in individual transactions, has no general authority and discloses the names of the principals, who confirm the arrangements.

When acting strictly within a broker's capacity he is the most highly specialized of middlemen. The broker carries no stock, takes no market risks, finances no operation, transfers no title. He assumes such functions only if he becomes something more than a broker. His commission is earned when a contract to sell is made, whether or not the contract is satisfactorily executed.

In actual practise the activities of brokers, commission men, sales agents and even merchants at times shade into one another to such an extent that they become almost indistinguishable. The United States census of 1920 lists the following classes and numbers of "brokers": bankers and bank officials, 82,375; commercial brokers and commission men, 27,552; loan brokers, loan company officials and pawnbrokers, 5,473; stock brokers, 29,609; promoters and brokers not specified, 16,604. This list includes many who are brokers in name rather than in fact.

The broker is most important in establishing trade connections in industries of large volume made up of many producers competing for a wide market, such as soft coal, fresh fruit and vegetables, and grain. In such industries a corps of alert brokers located in strategic cities, aware of one another and actively in touch with trade needs in their localities, may perform without organization almost all the functions of the highly organized exchanges. Their intercommunication plays an important part in determining prices, routing goods and guiding production.

The broker is also significant in negotiating trades in property rights that do not directly affect production. Such activity is well illustrated by the stock broker and the real estate broker. Although not usually described as a broker the employment agent should properly be so classed, as it is he who brings together those who have labor to sell and those who wish to buy it.

Classed as they are designated in business, the following types of brokers are important: merchandise brokers, insurance brokers, real estate brokers, ship brokers, bill brokers, stock brokers. The merchandise broker is as a rule concerned with arranging sales between manufacturers and wholesalers and between producers and users of raw material, although he sometimes brings manufacturers together or creates contacts with retailers. The employment of brokers as a substitute for a sales force is a particular economy to small concerns.

Insurance brokers bring together the agents of insurance companies and those who desire insurance. The insurance broker best serves those in need of several types of protection and those whose risks are so large that they must be divided.

A real estate broker consummates both sales and leases, handling farms, domestic dwellings and commercial and factory property. With real estate brokerage he commonly combines brokerage in insurance for his clients and in money to meet the needs of purchasers.

The functions of the broker in organizing trade relationships are nowhere better illustrated than in the work of ship brokers, whose task it is to keep informed of the movements of vessels, the cargo space available and the rates for shipment and, in turn, to apprise prospective shippers of opportunities for shipping. As the so-called "lines" have their own agents for this work, the ship broker serves chiefly the tramp carriers. In addition to his other services he sometimes serves as port agent, settling the bills for stores and supplies, pays the crew's wages and secures insurance for vessel and cargo. Ship brokers also negotiate sales of ships.

In the organized markets, such as the grain and stock exchanges, the broker has various forms of activity. In the larger organized markets the volume of brokerage business, in the strict sense of the term, is small, and the greater part of the transactions consists of commission or straight merchandising. It is at points where there is no active exchange and in trade between cities, however, that the grain broker is most profitably active. In arranging shipments between markets the grain broker acts as other merchandise brokers do. Working at the request of either buyer or seller, he asks for offers or bids from brokers or buyers in other cities. These offers are confirmed if satisfactory and the broker receives his commission from his original correspondent.

Members of organized stock exchanges are often indiscriminately referred to as brokers, although most of them do no brokerage business. Aside from members who trade on their own account, the bulk of the business is carried on by members who function as commission merchants, take full responsibility for the execution of trades and do not report the names of their principals. There is, however, a group of members, known in the New York Stock Exchange as "two-dollar brokers," who conduct actual brokerage transactions. These men do the active floor work for representatives of commission houses, taking no responsibility for the solicitation of business, the delivery of stock, payment or collections.

In the money market there is very little brokerage. In England the term "bill broker," which served as a fairly accurate designation in the first half of the nineteenth century, is now loosely applied to dealers who buy and sell notes and acceptances and are more properly called discount houses. In America the term "note broker" is sometimes applied to dealers who buy promissory notes from business men and sell them to banks; this business is properly known at present as that of the commercial paper house, while traders in acceptances and foreign bills are known in America as acceptance dealers.

Among those frequently misnamed "brokers" there are also the customs broker and the pawnbroker. The former is an agent acting for importers in estimating duties and in clearing goods, rather than a broker, while the latter is a sort of private money lender.

LEVERETT S. LYON
CHARLES O. HARDY

See: MARKET; MARKETING; MIDDLEMAN; COMMODITY EXCHANGES; STOCK EXCHANGE; REAL ESTATE; INSURANCE; SHIPPING; AGENCY.

Consult: Converse, Paul, *Marketing Methods and Policies* (2nd ed. New York 1924) p. 109–14, 154–77; United States, Federal Trade Commission, *The Grain Trade*, 7 vols. (Washington 1920–26) vol. iii, ch. vi; Litman, Simon, *Essentials of International Trade* (2nd ed. New York 1927) p. 243–44, 329–30, 370–71; Johnson, E. R., and Huebner, G. G., *Principles of Ocean Transportation* (New York 1919) p. 153–55; Dice, C. A., *The Stock Market* (Chicago 1927) p. 192–93; Riegel, R., and Loman, H. J., *Insurance Principles and Practices* (2nd ed. New York 1929) p. 60.

BROKERS' LOANS, as the term is popularly understood, are the borrowings made by members of the New York Stock Exchange to enable them to carry securities purchased for their customers on margin; the term applies of course to similar borrowings by members of other stock exchanges in the United States. When a broker's customers buy stocks without paying for them in full the title to these securities remains with the broker. He must pay for them, however, immediately upon delivery. Since he seldom has sufficient capital to pay the difference between the customer's margin and the cost of the securities he is forced to borrow a portion of this difference. He does this by turning over to a bank, or to some other lender, an amount of securities sufficient to guarantee the necessary loan. The securities deposited with the lender are commonly known as collateral; and the loan secured by them is called a broker's loan.

Such loans are either time loans, which may run for thirty, sixty or ninety days, or demand loans, popularly known as "call loans." Usually call loans exceed the amount of time loans, but the relation of the totals of these two categories varies widely from time to time. Although the statistics for brokers' loans in New York City are available only for the period beginning with the year 1926, they disclose a considerable range of fluctuation. Thus on September 30, 1929, which marks the highest point attained by brokers' loans, more than 91 percent was represented by demand loans, while at the end of March, 1926, demand loans amounted to only 67 percent of the total. The broker naturally chooses the form of loan and the duration which in his judgment provide the funds at the lowest cost. When rates on time money are very high, as they were in the autumn of 1929, a broker may borrow on demand, even though call rates are higher than time rates. If he expects the stringency to be of short duration the broker prefers to pay the high call rate for a few weeks rather than to borrow money on a time loan extending over a period of ninety days.

Funds for brokers' loans are supplied by banks in the city of New York, banks in the United States outside of New York and foreign banking institutions. In addition a very large portion of these loans is supplied by corporations and individuals with surplus funds who find the rates and the conditions under which they may demand repayment attractive. These surplus funds are not bank credit but moneys which their owners might otherwise have invested in stocks and bonds did they not consider it more advantageous at the time to lend them to others for investment purposes.

It is impossible to ascertain the exact proportion of brokers' loans made by banks as distinguished from other lenders. Statistics regarding brokers' loans in New York are compiled by two independent agencies. The New York Stock Exchange has published since January, 1926, monthly statements showing its members' net borrowings on collateral as of the close of the month. Although these statements give separate figures for borrowings from New York banks or trust companies and from other sources they furnish no clue to the amount of funds which were loaned by banks out of their own resources, since the banks also act as agents for others in making these loans. Beginning with the early part of 1926 the Federal Reserve Board in Washington has published weekly statements of total loans granted to brokers and dealers on security of stocks and bonds by member banks in New York City. These statements appear on Friday morning and show the figures as of the close of business on Wednesday. They classify loans by New York member banks into three groups: those made for their own account, for account of out of town banks and for account of others. The statement as of April 2, 1930, reports a total of $3,968,000,000 in brokers' loans, $2,651,000,000 of which was for account of New York and out of town banks. This figure may be taken as fairly representative of the amount of credit extended to brokers by banks in the United States. It is true that the amounts loaned for out of town banks include some small sums furnished by the customers of those banks; but these are probably offset by a few loans made by domestic banks which are not members of the reserve system, not through New York banks as agents, but directly to brokers. Of the total amount borrowed by brokers at the end of March, 1930, ($4,656,302,339 as reported by the New York Stock Exchange for March 31, 1930), only 57 percent, therefore, was furnished by domestic banks. The remainder was loaned by individuals, corporations and foreign banking institutions.

It should be observed in passing that loans to brokers do not represent all the credit which banks extend to borrowers on stocks and bonds as collateral. The quarterly reports which the member banks make to the Federal Reserve Board show that their security loans amount at present to almost ten billion dollars. This figure includes loans to brokers. During the three years for which statistics are available loans to brokers amounted to between 25 and 30 percent of the total loans on securities made by members of the Federal Reserve system. They constitute on the average about 10 percent of the total loans of these banks and 8 percent of their total loans and investments.

During the last few years the subject of stock exchange borrowings has been given unusual prominence in financial discussion. This is largely due to the facts that on January 30, 1926, the loans were found to total about 3513 million dollars, which was 1000 million in excess of the private estimates that had previously been current, and that after declining to about 2767 million at the end of May, 1926, these loans began a renewed rise which continued with minor interruptions until they reached a maximum figure of approximately 8549 million on September 30, 1929. This rise in brokers' loans brought forth several lines of criticism. The first of these was that the expansion was producing a dangerous inflation of bank credit. The second was that the expansion of loans to the stock exchange represented a diversion of credit from industry. It was also charged that the flow of credit into the security markets was unduly large and was fostering a speculative mania which was driving the prices of stocks to unwarranted heights.

These criticisms raised some fundamental questions as to the effect of brokers' loans upon the credit structure and upon interest rates. The assertion that the expansion of these loans brought about an equal expansion of bank credit did not take into account the fact that almost the entire increase in brokers' loans consisted not of bank loans but of loans by other creditors. At the end of January, 1926, when the figures were first reported, 2488 million dollars represented loans by domestic banks, while slightly over 1000 million came from the others. By May of the same year, when the low point was reached, bank loans totaled 1905 million dollars and other loans 862 million. When the maximum was reached at the end of September, 1929, bank loans stood at 2897 million while other loans amounted to 5652 million. The increase from the beginning of the publication of these statistics to the maximum point may be attributed almost entirely to these other loans.

It is clear that the loans by other creditors in no wise expanded the bank credit outstanding in this country and that they did not, therefore, contribute to any credit strain during the period when brokers' loans were rising. The funds which are loaned by individuals and corporations consist either of savings which they have on deposit at a bank or of money which they have received for the sale of securities through a broker. In the former case the capitalists are merely lending credit already outstanding in the form of bank deposits, which is quite different from direct lending by banks. While every bank loan creates a deposit and while an increase in the total loans made by all banks must of necessity increase the total bank deposits and consequently the total credit outstanding, a depositor's loan to a broker or to anyone else creates no new deposit; there is merely a transfer of a deposit which was already in existence. In the second case, when the individuals and corporations are not lending deposits already in existence but are placing with the broker funds which they have received by selling stocks or bonds through some brokerage house, the transaction is in no way related to bank credit since neither bank loan nor bank deposit is involved.

An argument which recurred even more persistently was the assertion that the increase in brokers' loans constituted a diversion of credit from industry and thus caused an increase in the cost of capital for legitimate business purposes. It would be unprofitable to discuss at this point the question whether it is proper to employ bank credit in order to purchase industrial securities and thus to finance the long time needs of industry. This question bears on the total amount of security loans made by banks; of these brokers' loans comprise, as has been shown above, only one fourth. With reference to the diversion of credit from industry it can be demonstrated that practically all of the additional bank credit created through brokers' loans by banks went ultimately to purchase securities from some corporation. Brokers do not borrow money in order to carry deposit balances at the bank or to get currency for payrolls; they borrow because their customers have purchased securities from someone. If they have purchased these from corporations which issued rights to their stockholders to subscribe for new stock then clearly the proceeds of brokers' loans are paid to the corporations which gave the rights, and the credit created by the loan stands as a deposit in the name of that company. This credit has flowed into industry, but it was borrowed by the stockholders rather than by the corporation directly. If the funds derived from brokers' loans are used to purchase securities from previous owners these owners will in turn buy other securities sooner or later. Ultimately the funds will be expended for the purchase of stocks and bonds from some corporation which has issued them and which needs the credit for its industry. This does not prejudge the question as to the efficiency of financing industry by such indirect methods. While they reach industry ultimately these funds probably do not in their entirety reach the particular branches of industry the securities of which were purchased with the aid of brokers' loans. Some part of the funds remains in the hands of speculators, who invest it directly, or indirectly through increased consumption, in industries other than those on the securities of which they may have realized handsome profits.

One of the reasons why brokers' loans have increased so rapidly in recent years is that they had shrunk to an abnormally low volume during the war and the post-war depression. Statistics compiled for confidential use by the New York Stock Exchange for the period October, 1918, to December, 1922, (published in New York Stock Exchange, *Report of the President, May 1, 1926–May 1, 1927*, New York 1927, p. 69–70), which are more complete than the figures collected by the New York Federal Reserve Bank on the loans made by banks reporting daily in that city subsequent to October, 1917, show that in February and March, 1919, and again in the autumn of 1921, the total borrowings by the members of the New York Stock Exchange had fallen to less than one billion dollars. There were several reasons for this temporary decline. Prior to the war and the establishment of the Federal Reserve system bankers were accustomed to look upon call loans made to brokers as their principal secondary reserve, assuming that the funds so invested could always be obtained on short notice. Consequently a large supply of funds at low rates was available for collateral call loans. This attitude of the banks and of other lenders was greatly modified through the closing of the New York Stock Exchange at the outbreak of the war in 1914, as a result of which it became practically impossible to realize on call loans. Thus a prejudice was created against dependence upon call loans as secondary reserves. Moreover the creation of the Federal Reserve system gave the member banks a new reservoir of funds to which they could resort when necessary. Call loans were reduced also because supplies of money which normally came from foreign banks were for a considerable length of time rendered unavailable by the war and post-war currency disorganization.

With the restoration of normal conditions after the war call loans have once more become liquid; in times of stress the Federal Reserve has helped to make them so. Europe has recovered financially to such an extent that when rates are attractive it has large sums available for the New York money market. Consequently brokers' loans have had a phenomenal rise, corresponding to the expansion of American industry, and there is every reason to believe that they will remain permanently upon a much higher level than that prevailing during the period 1914–21.

Loans to brokers in European financial centers are not as large in volume or as important a factor in the money market as brokers' loans in the United States. Here brokers' loans are significant in that they make possible security speculation for people of average means, who would neither wish to borrow on security collateral directly from the banks nor be in a position to do so. The reason for the lesser importance of brokers' loans in Europe is therefore to be found in the fact that security speculation abroad is not so popular as it has been in America particularly since the close of the war. Moreover since a great majority of stock exchange transactions in Europe are settled fortnightly or monthly and not daily as in New York, brokers handling term transactions need to borrow only for a period of two weeks or a month in order to finance those of their clients who wish to carry over their securities until the next settlement date. In London such loans are made by the joint stock banks and the merchant bankers. In Paris brokers receive most of their loans from the wealthy private banking firms, the *banques d'affaires* (investment banks) and some railway and industrial companies. In emergencies brokers may make fifteen and thirty-day loans to the full market value of their collateral from the Caisse Commune, a common fund established by the *parquet* of the Paris Bourse. Brokers' loans are not important in Germany, where most of the security transactions are handled for their customers directly by the larger banks.

DAVID FRIDAY

See: STOCK EXCHANGE; CALL MONEY; MONEY MARKET; SPECULATION.

Consult: Westerfield, R. B., *Banking Principles and Practice* (New York 1924) p. 551–69; Dice, C. A., *The Stock Market* (Chicago 1926); Meeker, J. E., *The Work of the Stock Exchange* (New York 1922) chs. iv, viii–xii; Griffiss, Bartow, *The New York Call Money Market* (New York 1925); Rogers, J. H., *Stock Speculation and the Money Market* (Columbia, Mo. 1927); Anderson, B. M., "Brokers' Loans and Bank Credit: The Liquidation of Loans versus the Liquidation of Securities" in *The Chase Economic Bulletin*, vol. viii (1928) no. 4; U. S. Senate, 70th Cong., 1st Sess., Committee on Banking and Currency, *Hearings*, vol. ii (1928); Streit, S. F., *Term Settlements* (New York 1920); Parker, William, *The Paris Bourse and French Finance, with Reference to Organized Speculation in New York*, Columbia University Studies in History, Economics and Public Law, vol. lxxxix, no. 3 (New York 1920).

BROOK FARM (1841–46), an experiment in communal living at West Roxbury, Massachusetts, nine miles from Boston. It was founded as a joint stock company under the name of the "Brook Farm Institute of Agriculture and Education," but in January, 1844, it was reorganized as the "Brook Farm Phalanx of Agriculture, Domestic Industry, and the Mechanic Arts."

Of the numerous cooperative and communistic ventures that marked the middle years of the nineteenth century in America, Brook Farm by virtue of its distinguished intellectual and literary associations is much the best known. Although closely associated in the public mind with Transcendentalism it was rather a by-product of the many sided reform movements of the New England renaissance that synchronized with the rise of industrialism. The originator and directing mind was George Ripley (1802–80), a Unitarian minister and member of the Transcendental Club of Boston. He enlisted the interest of a notable group of writers including Emerson, Theodore Parker, Bronson Alcott, Orestes Brownson, William Henry Channing, Margaret Fuller, Elizabeth Peabody, Christopher Cranch, Nathaniel Hawthorne, Charles A. Dana and John S. Dwight. Of this list only Hawthorne, who used it as a setting for his somewhat critical *Blithedale*

Romance (Boston 1852), Dana and Dwight took up residence at the farm. The experiment had its inception in the dissatisfaction of these radical intellectuals with existing social conditions and the objective proposed was the substitution of cooperative for competitive labor. Primarily agricultural and educational in its first phase it later introduced the crafts of carpentry, cobbling and printing and engaged in manufacturing in a small way.

Its origins would seem to have been distinctly native and homely. The communistic theories of Saint-Simon, Owen and Fourier had no part in the original plan. Before 1840 there are few discoverable influences of such theories in New England. But with the appearance on the scene of Albert Brisbane, who while in Europe had become a disciple of Fourier, agitation began for a reorganization in accordance with the latter's unitary principles. Brisbane's *Social Destiny of Man* (Philadelphia 1840) seems to have exerted wide influence and under his guidance early in 1844 the community adopted a modified form of Fourieristic communism. The *Harbinger* (1845–49), a weekly magazine devoted to "social and political progress," was established to succeed the *Phalanx* (1843–45), and an adequate phalanstery to house the families was begun. Unfortunately the latter burned to the ground when nearly completed. The blow was heavy; after meeting its obligations the phalanx disbanded and the *Harbinger* was transferred to New York.

Neither socially nor financially had the venture been the heavy loss that is often supposed. By common testimony life at Brook Farm was a stimulating experience, and the school in particular was a notable success.

VERNON LOUIS PARRINGTON

See: COMMUNISTIC SETTLEMENTS.

Consult: Swift, Lindsay, *Brook Farm: its Members, Scholars, and Visitors* (New York 1900), containing an adequate bibliography; Codman, J. T., *Brook Farm: Historic and Personal Memoirs* (Boston 1894); Curtis, G. W., *Early Letters . . . to John S. Dwight, Brook Farm and Concord* (New York 1898); Sears, John V. D. Z., *My Friends at Brook Farm* (New York 1912).

BROOKE, JAMES (1806–68), British empire builder. Brooke came of a family which had prospered from East Indian activities, and his early life included service under the East India Company. In 1838 he sailed to explore the Malay Archipelago and establish trading relations. He had become convinced that Dutch rule had been oppressive and would crumble before a liberal government and a conciliatory policy in any part of the East Indies. During a civil war in Borneo, Brooke aided the Sultan of Brunei against a rebellious vassal in Sarawak and was ultimately confirmed by the sultan as rajah of that territory. He aided British naval officers in the suppression of piracy, worked for the annexation to Great Britain of the island of Labuan (1846), of which he became governor, and was made British consul general for Borneo. In 1863 the British recognized Rajah Brooke of Sarawak as an independent sovereign.

His policy toward the Sarawak natives was chiefly that of non-exploitation. He abandoned the bulk of the revenues which had formerly belonged to the rajahship, ultimately even the head tax, and retained only a monopoly of antimony. In order to protect his native subjects from forced labor he tried to prevent the encroachments of independent European mercantile establishments. Although he abolished head hunting and piracy Brooke administered the bulk of native customs and law as he found them. His motives were misconstrued and violently attacked in England. But Brooke's rule in Sarawak was successful as an experiment in native administration rather than as a commercial venture. His policies stimulated ideals of colonial administration which have had wider application in portions of British West Africa.

LELAND H. JENKS

Consult: Brooke, James, *Narrative of Events in Borneo and Celebes down to the Occupation of Labuan*, ed. by Rodney Mundy, 2 vols. (London 1848), and *Private Letters, Narrating the Events of His Life*, ed. by J. C. Templer, 3 vols. (London 1853); Saint John, S. B., *Rajah Brooke* (London 1899); Baring-Gould, S., and Bampfylde, C. A., *History of Sarawak under its Two White Rajahs, 1839–1908* (London 1909).

BROSSES, CHARLES DE. *See* DE BROSSES, CHARLES.

BROUGHAM, LORD, HENRY PETER BROUGHAM (1778–1868), British parliamentarian and social reformer. Brougham was graduated from the University of Edinburgh and was called to the English bar in 1808. He had already made a reputation as one of the earliest and most prolific contributors to the *Edinburgh Review* when the Whigs gave him a seat in the House of Commons in 1810. For the next twenty years, except for the period 1812–15, he was one of the unofficial leaders of the opposition. After his eloquent defense of Queen Caroline in 1820 his power and popularity increased enormously until he left the Commons to become lord chancellor in the reform ministry of 1830. His *Life and Times* (3 vols., Edinburgh 1871) grossly exaggerates the importance of his own activities in the passage of the Reform Act. At the time of the struggle he was unable to swallow his objections to wholesale disfranchisement of close boroughs; and in any case his colleagues had learned to distrust his judgment and to disregard his advice. In 1835 Lord Melbourne condemned him to political extinction by leaving him out of his cabinet.

A political careerist, Brougham nevertheless accomplished much as a social reformer and his influence in molding public opinion is as important as his actual achievements. Concentrating his attention on non-party objects he perceived—as the aristocratic Whigs did not—the importance of appealing to the middle class electorate and the value of the press. In 1811 he secured the enactment of a law making possible the first effective prohibition of the slave trade, and after 1830 he took a great interest in the complete abolition of slavery. As a law reformer he was instrumental in the creation of the Judicial Committee of the Privy Council; he also labored hard to humanize the penal code, to simplify the laws and improve the administration of justice. He was one of the founders of the University of London. As a pioneer in popular education he partially fulfilled the program of his *Practical Observations upon the Education of the People* (London 1825) by founding mechanics' institutes and the Society for the Diffusion of Useful Knowledge (1827–44), which published under his auspices a *Penny Cyclopedia* (London 1833–43). His economic views persistently wavered. The *Inquiry into the Colonial Policy of the European Powers* (2 vols., Edinburgh 1803) was a moderate defense of the colonial system; but later Brougham intermittently advocated the repeal of the navigation laws. In 1812 he secured the repeal of the Orders in Council. Although he did not completely abandon agricultural protection until 1845 he was of some assistance in furthering the cause of free trade.

Arthur Aspinall

Consult: Aspinall, Arthur, *Lord Brougham and the Whig Party*, University of Manchester Publications, Historical series, no. xlvii (Manchester 1927).

BROUSSE, PAUL (1844–1912), French socialist. Brousse, who was a physician, took part in socialist propaganda at an early age. Self-exiled after the events of 1871, he sojourned successively in Spain, Switzerland and England. In Switzerland he met Bakunin, adopted his doctrines and worked with the Federation of the Jura. Upon his return to France after the amnesty Brousse became involved in the internal struggles of French socialism. At first he was a follower of Guesde and Lafargue, but he broke with them in 1882 at the Congress of St. Étienne and became one of the leaders of the Fédération des Travailleurs Socialistes, known as the "possibilist" group. This in turn was split into two factions in 1890, Brousse continuing as head of the federation and the more radical wing beginning a separate existence under the leadership of Allemane. The Broussist federation had considerable strength in some districts of Paris and in the west.

The "possibilist" program, as expounded by Brousse in his pamphlet *La propriété collective et les services publics* (Paris 1883) and in the weekly *Le prolétaire*, assumed that there are numerous stages in the advance toward the ultimate goal of socialism and accordingly called for a limitation at the outset to a series of practicable reforms. Brousse's interpretation of historical evolution, by which he buttressed this program, envisaged competition, the dominating and inevitable characteristic of the early phases of capitalism, giving way, with the victory of the better equipped producers over their rivals, to combination and monopoly. At this stage the state would step in, take possession of the monopolized industry and manage it as a public service. Just as the army, schools, highway maintenance and postal service had passed from private hands into public, so in the future would mines, railroads and eventually other industries. The active participation of Brousse and his followers in municipal, provincial and national politics was the logical corollary of this program.

Paul Louis

Consult: Weill, Georges, *Histoire du mouvement social en France 1852–1910* (2nd ed. Paris 1911); Humbert, S., *Les possibilistes* (Paris 1911).

BROWN, GEORGE (1818–80), Canadian journalist and statesman, one of the "Fathers of Confederation." After working with his father in sectarian journalism he founded in 1844 the Toronto *Globe*, which from the fifties to the eighties exercised a more powerful influence in molding public opinion than any other Canadian paper has ever possessed. Brown entered public life in 1851 and became leader of the Upper Canada Reformers, or "Clear Grits," who in the fifties and sixties were essentially the radical agrarian party of what was then western Canada.

Representing "the intelligent yeomanry of Upper Canada" the *Globe* fought high tariffs, the undue influence of the Grand Trunk Railway and that working alliance between the French Catholic church and the business interests centering in Montreal which dominated Canadian politics. By his methods of controversy Brown did much to inflame sectional and religious feeling, especially in his successful campaign for the secularization of the clergy reserves and in his unsuccessful opposition to separate schools. On the other hand the *Globe's* constant summons to Canadians to rise to their opportunities did much to create that incipient national feeling which made possible the Dominion of 1867. Brown was one of the first Canadians to catch the vision of the West. From 1857 the *Globe* preached incessantly that Canada must absorb the Hudson's Bay Territory and become a great nation like the United States.

After his failure to procure "representation by population" as a solution of the relations of Canada East and Canada West, his generous action in joining his political opponents in the coalition government of 1864 insured the acceptance of confederation almost without opposition in Upper Canada. Defeated in the first Dominion election he was appointed to the senate a few years later. In his editorial capacity he remained until his death the real leader of the Reformers. The bitterness of its leader, who seemed destined to be found always on the side of political opposition, infected the party, which did not become really successful until it came under the more genial guidance of Laurier.

Frank H. Underhill

Consult: Mackenzie, A., *The Life and Speeches of Hon. George Brown* (Toronto 1882); Lewis, J., *George Brown* (anniversary ed. Toronto 1906); Underhill, F. H., "Some Aspects of the Upper Canadian Radical Opinion in the Decade before Confederation" in Canadian Historical Association, *Report* of annual meeting for 1927 (Ottawa 1927) p. 46–61, and "Canada's Relations with the Empire as seen by the Toronto *Globe*, 1857–1867" in *Canadian Historical Review*, vol. x (1929) 106–28.

BROWNE, ROBERT (1550–1633), English clergyman, recognized during the past fifty years as the founder of Congregationalism in England and America. Browne's personal direction was withdrawn from the movement in 1586 when he apparently conformed to the established church. After this time one must look to Browne's writings for his share of the influence which, according to Borgeaud's suggestion, radical Puritan ideas exerted on the development of early seventeenth century English and American political democracy. *A Booke which sheweth the life and manners of all True Christians* (Middelburgh 1582), containing the clearest statement of his ideas, is so far as is now known the first book written by an Englishman defending a full measure of religious liberty. He was also the first to maintain unequivocally that the separation of church and state is as necessary for the church as for the state. He taught that all authority is wholly dependent upon the will of the people, a term in which he included all classes of society.

Roland G. Usher

Consult: Burrage, C., *The True Story of Robert Browne* (Oxford 1906); Dexter, H. M., *Congregationalism* (New York 1880) p. 61–128; Walker, Williston, *A History of the Congregational Churches in the United States*, American Church History series, vol. iii (New York 1894) p. 31–55; Gooch, G. P., *English Democratic Ideas in the Seventeenth Century* (2nd ed. with notes and appendices by H. J. Laski, Cambridge, Eng. 1927) p. 42–45; Borgeaud, Charles, "Premiers programmes de la démocratie moderne en Angleterre (1647–1649)" in L'École Libre des Sciences Politiques, *Annales*, vol. v (1890) 290–325, tr. by B. Hill as part of *Rise of Democracy in Old and New England* (London 1894).

BROWNSON, ORESTES AUGUSTUS (1803–76), American theologian and publicist. He had a remarkable religious and intellectual career which may be briefly summarized as follows: 1822, Presbyterian; 1826, Universalist minister and (1829) editor of the *Gospel Advocate*; 1830, freethinker and associate of Robert Dale Owen and Fanny Wright, lecturing in the interests of the Workingmen's party and contributing to the *Free Enquirer*; 1831, Unitarian minister and editor of the *Philanthropist*; 1836, organizer of "The Society for Christian Union and Progress," which was composed of working men and held its meetings in the Masonic Temple of Boston (he was a Freemason); 1838, founder and editor of the *Boston Quarterly Review* devoted to transcendental philosophy, Democratic politics and social reform (including the abolition of hereditary property); 1844, a convert to the Catholic church. From then on he devoted most of his energies to an aggressive propaganda for Catholicism combined with American patriotism, publishing in addition to numerous books a large number of articles in *Brownson's Quarterly Review*, the *Catholic World*, the New York *Tablet* and the *American Catholic Quarterly Review*.

His early enthusiasm for radical reform was chilled by his failure to enlist the support of the working classes to his rationalistic humanitarianism. He therefore conceived "Christianity as a principle of reform" and, influenced by Benjamin Constant, the Saint-Simonians and Victor Cousin, he worked for "the religion of the future." He then came to the conviction that religion must be not the means but the end of social life and that "the church already is the new creation." At this point in his career he was much influenced by the philosophy of Gioberti and by the general enthusiasm among liberal Catholics for "popular liberty" under "Divine Sovereignty." He carried his theological liberalism to the point of attacking neoscholasticism and even of attempting to introduce his former Universalistic leanings into Catholicism. Opposition on the part of the clergy, followed by the Papal Syllabus of Errors, induced him to quit his theological polemics and confine himself to "public affairs." Accordingly he took an active part in political debate. He abandoned his southern Democratic friends on the secession issue and developed his theory of the "territorial sovereignty under God" of "the states collectively" as a platform for an uncompromising defense of the union combined with a liberal reconstruction policy and a decentralized government (see his *The American Republic*, New York 1866). His political fortunes and his *Review* suffered severely from his support of Fremont in 1864 against Lincoln as well as from his philosophic insistence on combining religious and political issues.

HERBERT W. SCHNEIDER

Works: *The Works of Orestes A. Brownson*, ed. by Henry F. Brownson, 20 vols. (Detroit 1882–1907).

Consult: Brownson, Henry F., *Orestes A. Brownson's . . . Life*, 3 vols. (Detroit 1898–1900).

BRUCE, HENRY AUSTIN, BARON ABERDARE (1815–95), British statesman and educationist. He was born at Duffryn, Wales. In 1852 he entered the House of Commons as a Liberal and sat in the House for twenty years, holding many high political offices. His greatest parliamentary effort was the passing of the Licensing Bill of 1872. The vehement opposition of the vested interests concerned largely contributed to the Liberal rout at the succeeding election. He was made a peer in 1873, and withdrawing from party politics he devoted himself to social reform.

He was an opponent of radical political or economic changes and held that prosperity and education were the surest allies of progressive civilization. Anticipating the coming of great social dislocations he advocated the material and moral elevation of the masses. He served as chairman of the Royal Commission on the Aged Poor (1893) and on other public commissions concerned with reformatory and industrial schools, mines and education, and was one of the founders of the Social Science Congress. To him are chiefly due the reorganization of Welsh intermediate education and the establishment of a Welsh university. He was chairman of the Niger Company for many years and it was mainly because of his foresight and energy that a vast West African territory was added to the British Empire.

W. H. DAWSON

Consult: *Life and Letters of Henry Austin Bruce* (p. p. Oxford 1912); Bruce, Henry Austin, *Lectures and Addresses* (London 1917).

BRUCK, KARL LUDWIG VON, BARON (1798–1860), Austrian statesman and fiscal reformer. A native of Elberfeld in the Rhineland, he moved to Trieste in 1821 and there established the Austrian Lloyd shipping company. He was a member of the Frankfort National Assembly of 1848–49, representing the Austrian "greater Germany" party of unionists. As minister of commerce and public works (1848–51) he cooperated in passing the constitution of March 4, 1849, and carried out a bold program of reforms. He reorganized the consular service as well as the post and telegraph services, introduced chambers of commerce and industry on the German model, built railways, improved the road and river transport system and codified the Austrian commercial and maritime law.

His great work, however, lay in the field of customs reform. He abolished many of the duties which retarded the development of national industry and established Austria and Hungary as a single customs territory with a uniform tariff. His further design of securing Austria's admission into the German customs union and of converting the latter into a Central European union which was to include Italy and the Balkan peninsula was defeated by Prussian opposition, and Bruck had to be satisfied with favorable commercial treaty arrangements.

Bruck was raised to the nobility and in 1855 took over the portfolio of finance, but further reforms upon which his mind was set were frustrated by the Italian war. Accused by his enemies of complicity in army malversations he was dismissed in disgrace and committed suicide. A little later, however, the falsity of the charges was proved and officially proclaimed.

W. H. DAWSON

Consult: Bruck, K. F., *Memoiren aus der Zeit des Krimkriegs*, ed. by Isidor Heller (Vienna 1887); Charmatz, Richard, *Minister Freiherr von Bruck* (Leipsic 1916); Buchheim, Karl, "Das Vermächtnis Bruck's" in *Die Grenzboten*, vol. lxxvi, no. 12 (1917) 364–79.

BRUIJN KOPS, JACOB LEONARD DE (1822–87), Dutch economist and statistician. After serving with the ministries of finance and of the interior he occupied for ten years (1864–73) the chair of economics and administrative law in the polytechnicum at Delft. From 1868 until his death he was a member of the lower house, where he frequently influenced government policies on economic and financial questions. Bruijn Kops was also active as author and editor. In 1850 he published *Beginselen van staathuishoudkunde* (5th ed. Amsterdam 1873), the first Dutch manual of economic principles, which enjoyed unusual popularity. He was the editor of *De economist*, a monthly concerned with practical economic problems, which was founded by him in 1852 and is still being published. After 1850 he was on the editorial board of the statistical yearbooks established by Bosch Kemper, and with the other members of the board he organized the Dutch statistical society in 1857. In the same year he published a statistical review of Dutch foreign trade from 1846 to 1855.

A liberal free trader, Bruijn Kops was essentially a practical economist. He advocated the abolition of import duties as economically harmful and of export bounties as an unjust privilege. He was opposed to taxation for social purposes and advised extreme caution in the use of public loans, which should be confined to the financing of permanent improvements. He conducted a vigorous campaign against consumption taxes, particularly those on necessaries, and advocated the concentration of tax collection in the hands of the national government.

F. PH. BICHON VAN IJSSELMONDE

Consult: Beaujon, A., in Institut International de Statistique, *Bulletin*, vol. iii, no. i (1888) 218–20.

BRUNETIÈRE, FERDINAND (1849–1906), French literary critic and social philosopher. Brunetière was professor at the École Normale, later editor-in-chief of the *Revue des deux mondes* and member of the French Academy. In *Le roman naturaliste* (Paris 1882) he made his debut as a critic in an attack on Zola and his naturalist school. A traditionalist and a classicist, he fought the impressionism and skepticism of Jules Lemaître and Anatole France. Underlying his work was a conviction that the prevailing individualism and the absence of tradition and morality in the latter part of the nineteenth century were socially dangerous. In his *Histoire et littérature* (3 vols., Paris 1884–86), his *Études critiques* (8 vols., Paris 1880–1907) and in other critical works he set himself to the construction of a comprehensive system of criticism which would embody an integrated view of society. What he sought in society was unity and order, which he felt the science and the rationalism of his age were too bankrupt to provide. For Taine's system he substituted his *critique évolutionniste*, based on Darwinism, to explain the course of literary history; but as Irving Babbitt has aptly said, "in spite of his attempt at literary Darwinism Brunetière is not a scientist but a logician with a brilliant oratorical gift and a keen sense of historical development." Brunetière avoided the inconsistency of his rejection of science and his acceptance of an evolutionary theory of literature by ascribing to unknown causes the variations that took place (see *Discours de combat*, 3 vols., Paris 1900–07, and *Sur les chemins de la croyance*, Paris 1904). Comte had revealed to him not only the idea of a social organization of science and the humanitarian problem of the relation of man to man, but also the function and social importance of a church ("L'utilisation du positivisme" in *Sur les chemins*). What positivism failed to supply—a permanent and absolute foundation for society—Brunetière discovered at Rome in 1894. His famous article, "Après une visite au Vatican" (*Revue des deux mondes*, vol. cxxvii, 1895, p. 97–118), shows how Roman Catholicism offered him the basis on which the social hierarchy and order might rest. Brunetière found his refuge and his citadel in faith, of which he maintained that logic and dialectic must be the servants.

André Morize

Consult: Giraud, V., *Les maîtres de l'heure*, 2 vols. (Paris 1911) vol. i, p. 59–137, and *Maîtres d'autrefois et d'aujourd'hui* (Paris 1913) p. 193–256; Parodi, D., *Traditionalisme et démocratie* (2nd ed. Paris 1924) p. 31–71; Laski, H. J., *Authority in the Modern State* (New Haven 1919) p. 171–77; Babbitt, I., *Masters of Modern French Criticism* (Boston 1912) ch. x; Belis, A., *Critique française à la fin du xix^e siècle* (Paris 1926) ch. i.

BRUNI, LEONARDO (*c.* 1374–1444), Italian humanist. Bruni is the most important representative of the early Italian trend which may be designated as the civic humanism of Florence. He was born in Arezzo, was in his earlier years secretary of the Curia, but lived in Florence continuously from 1415, received the rights of citizenship and was chancellor of the republic from 1427 until his death. Bruni's humanism was distinguished by his devoted study of the Greek city-state and of the ancient Roman Republic. The former he admired as the political model of the Florentine city-state of the Renaissance; the latter he felt to be the source of Italian civilization and imbued with that republican spirit on which was also founded the greatness of Florence. In the first book of his *Historiarum Florentini populi* (12 books, completed in 1439) the Renaissance city-state is portrayed as heir to the Roman Republic, the Roman Empire as the period of Italian decline and the German mediaeval empire as an alien, barbarian rule. In his *De militia* (written 1421), confronted with the decline of the knightly class, he advocated the replacement of the usual Italian mercenaries by an arms-bearing citizenry modeled on that of the ancient republic.

His description of the government of Florence (*περὶ τῆς πολιτείας τῶν φλωρεντίνων*) is written entirely in Greek. Bruni's translations from the Greek, which include some of Plato's dialogues, many of the orations of Demosthenes and above all Aristotle's *Ethics* and *Politics* and the pseudo-Aristotelian *Economics*, were widely read during the fifteenth century. The Aristotelian writings constituted the Greek sources of Bruni's political theory. He was the first to translate Aristotle with philological accuracy, and his *Isagogicon moralis disciplinae* (written 1421–24) defends the Aristotelian against the stoic ethics which had previously dominated humanism. In the field of education Bruni's widely read work, *De studiis et litteris* (written 1422–29), was one of the first to develop a program of non-professional education which was based exclusively on the humanities and which was identical for both sexes.

Hans Baron

Consult: Woodward, W. H., *Vittorino da Feltre and Other Humanist Educators* (Cambridge, Eng. 1897) p. 119–23; Beck, Franz, *Studien zu Lionardo Bruni*, Abhandlungen zur mittleren und neueren Geschichte series, vol. xxxvi (Berlin 1912); *Leonardo Bruni Aretino, humanistisch-philosophische Schriften*, ed. by Hans Baron (Leipsic 1928), containing a chronology of his works and letters.

BRUNNER, HEINRICH (1840–1915), German legal historian. He was an Austrian by birth and studied jurisprudence and history at Vienna, at the Institut für Österreichische Geschichtsforschung. As a pupil of Unger, Waitz and Sickel he laid the foundations for his subsequent method which, by linking the history of law with the auxiliary historical sciences and by evolving a new technique of research, profoundly influenced the science of German legal history. Brunner was the focus of legal historical research not only in Germany but throughout Europe. Although he taught first at the University of Vienna and later at the higher schools of Lemberg, Prague and Strasbourg, his influence was primarily felt in Berlin where he was active for over forty years and where at the academy he carried on the work of Eichhorn and Homeyer. As a director of cooperative scholarly publications he was prominently identified with all the more comprehensive projects of his time in the field of legal history, as for example, the *Deutsches Rechtswörterbuch* and the *Zeitschrift der Savigny-Stiftung für Rechtsgeschichte*. After the death of Waitz he took over in 1887 the *Leges* section of *Monumenta Germaniae historica*.

Brunner's main interest was the so-called Frankish period and the history of Germanic law in the earliest centuries. His success in demonstrating the Frankish origin of the Anglo-Norman jury trial established his reputation. Vassalage as the root of infeudation he traced back to the institution of the German *comitatus*. His crowning work, however, was his two volumes of a history of Germanic law, which unfortunately he did not complete. In the course of his investigation into the connection between early Germanic and late Roman law he came upon the so-called common law of the Roman provinces. This led him to the study of the survival of Germanic legal institutions in Italian, French, Dutch and Anglo-Norman law. At the same time with rare intuition he traced certain legal ideas back into prehistoric times, e.g. inheritance and the representation of decedents.

EBERHARD VON KÜNSSBERG

Important works: "Zeugen- und Inquisitionsbeweis im deutschen Gerichtsverfahren karolingischer Zeit" in Kaiserliche Akademie der Wissenschaften, Philosophisch-Historische Classe, *Proceedings*, vol. li (Vienna 1866) p. 343–505; *Die Entstehung der Schwurgerichte* (Berlin 1872); *Das französische Inhaberpapier des Mittelalters* (Berlin 1879); *Zur Rechtsgeschichte der römischen und germanischen Urkunde* (Berlin 1880); *Deutsche Rechtsgeschichte*, 2 vols. (Leipsic 1887–92, 2nd ed. 1906–28); *Forschungen zur Geschichte des deutschen und französischen Rechts* (Stuttgart 1894); *Grundzüge der deutschen Rechtsgeschichte* (Leipsic 1901, 7th ed. 1927); *Geschichte der englischen Rechtsquellen im Grundriss* (Leipsic 1909).

Consult: Amira, K. von, in Bayerische Akademie der Wissenschaften, *Jahrbuch* (1916) 161–66; Stutz, Ulrich, in *Zeitschrift der Savigny-Stiftung für Rechtsgeschichte*, vol. xxxvi (1915) ix–lv; Seckel, E., in Gesellschaft für ältere deutsche Geschichtskunde, *Neues Archiv*, vol. xl (1916) 807–18; Stintzing, R. von, and Landsberg, E., *Geschichte der deutschen Rechtswissenschaft*, 3 vols. (Munich 1880–1910) vol. iii, pt. ii, p. 908–12.

BRUNO, GIORDANO (1548–1600), Italian philosopher. Accused of faults of discipline Bruno was forced to flee from the Dominican order. He wandered from city to city, first in Italy, then in northern Europe and England, arousing theological and philosophical hostility wherever he went. Bruno was the first to recognize that the fixed stars were other suns distributed through endless space, centers of solar systems inhabited by beings "perhaps better perhaps worse than we are." In three Italian dialogues purporting to have been published in Paris in 1584 Bruno presents these views with their philosophical consequences as an inevitable development from the "Copernican Revolution," which had occurred about four decades before, but a development so vast as to deserve the name of a "new philosophy." The astronomical theory involved in Bruno's system was absorbed, through Galileo, Kepler, Descartes and others, into the science of the seventeenth century and remains the foundation of all later world views.

By his new presentation of nature Bruno laid himself open to bitter opposition from every religious faith of his time, all of which were based on the conception of a single finite universe wherein two regions, heaven and earth, stood in complete contrast. In an effort to reconcile his astronomy with Christianity Bruno evolved a pantheistic philosophy which, however, seemed to his day only an old heresy in a new guise. In 1592 he was denounced to the Venetian inquisition and later extradited to Rome, where he was burned on the Campo dei Fiori in 1600. Although the influence of his world view seems plainly traceable in the great seventeenth century systems of Spinoza and Leibnitz it was not until the end of the eighteenth century that the writings of Lessing and Jacobi brought a belated acknowledgment of his living service. In spite of his recantation at Venice, which he later retracted, his name, regarded as one of the foremost in the martyrology of intellectual freedom, has become a symbol for steadfastness in defense of truth.

EDGAR A. SINGER, JR.

Consult: Berti, D., *Giordano Bruno da Nola* (2nd ed. Turin 1889), containing all documents and a bibliography of Bruno's works; McIntyre, J. L., *Giordano Bruno* (London 1903), containing bibliography; Gentile, G., *Giordano Bruno e il pensiero del rinascimento* (Florence 1920).

BRUNS, KARL GEORG (1816–80), German jurist, pandectist and legal historian. Bruns was from the beginning an advocate of the movement for codification and strongly drawn toward modernism. He consequently sought to turn the existing historical school in a more contemporary direction in his very first major work, *Das Recht des Besitzes im Mittelalter und in der Gegenwart* (Tübingen 1848). He insisted that attempts to understand the pure Roman law must include the study of its modifications in mediaeval and modern times, thus establishing the so-called mediaevistic trend in Roman law studies. Later, however, Bruns turned more toward the study of the ancient Roman law. His editing of the *Fontes juris romani antiqui* (Tübingen 1860), the successive issues of which show the influence of Mommsen's critical method, testifies to the fact that he had already shifted his interest, a shift which is evident also in the two essays on the history of Roman law which Bruns wrote for Holtzendorff's *Encyklopädie der Rechtswissenschaft* (3 vols., Leipsic 1870): *Geschichte und Quellen des römischen Rechts* and *Das heutige römische Recht*. The change came about as a result of his dissatisfaction with Ihering's theory of possession, which he believed was not justified by the pure Roman law. Bruns upheld his view in his *Die Besitzklagen des römischen und heutigen Rechts* (Weimar 1874). He also wrote numerous essays, of which one on Greek testamentary law shows his expanded range of interest in all ancient law. This is manifested more fully in his *Syrisch-römisches Rechtsbuch aus dem 5ten Jahrhundert* (Leipsic 1880), published in conjunction with the orientalist, Eduard Sachau. It was this work which provided the impetus toward subsequent research in Roman provincial law.

Franz Sommer

Consult: Stintzing, R. von, and Landsberg, E., *Geschichte der deutschen Rechtswissenschaft*, 3 vols. (Munich 1880–1910) vol. iii, pt. ii, p. 751–56; Smith, Munroe, *A General View of European Legal History* (New York 1927) ch. iv.

BRUNSWICK, TERÉZ, Grófnö (1775–1861), Hungarian educator and philanthropist. The beginnings of Countess Brunswick's liberalism may be traced to her father, a Hungarian nobleman, who taught her to admire Washington and Franklin. Perhaps the fact that she herself had not been subjected to the crushing influence of a school left her mind flexible for her educational work. The problem of bringing up the children of a widowed sister led her to seek out Pestalozzi in 1808. She became the lifelong devotee of the material and spiritual welfare of the children of the poorer classes, upon whom she felt the future of nations, particularly of Hungary, depended. Under the influence of Pestalozzi and Wilderspin she took advantage of the opportunity created by the Hungarian liberal movement led by Count Széchenyi to establish in Buda one of the first infant schools on the continent (1828). Other schools were soon founded and infant education in Hungary has its origin in her activities. Her pedagogical studies convinced her of the necessity for the spiritual and technical training of future teachers. Through her varied educational activities she played one of the most important roles in the diffusion of popular education in the nineteenth century. She also founded asylums of all kinds, among them workingmen's homes in Hungary, Austria and Bavaria, and participated in the establishment of a European women's general welfare association which studied far reaching problems such as coeducation and eugenics. Her niece, Blanche Teleki, who attempted to continue her work, was involved in the Revolution of 1848. Countess Brunswick has been identified by some writers as the "immortal beloved" of Beethoven.

Adolphe Ferrière

Consult: Rapos, J., *Brunswick Teréz grófhölgy-nek élete és müve* (The life and work of Countess Thérèse Brunswick) (Pest 1868); Lipsius, I. M. (La Mara), *Beethovens unsterbliche Geliebte* (Leipsic 1908); Czeke, M., "Une grande amie de Beethoven: La Comtesse Thérèse Brunsvik de Korompa" in *Revue des études hongroises*, vol. vi (1928) 207–19.

BRUUN, CHRISTOPHER ARNT (1839–1920), Norwegian educator. Bruun, a clergyman, was from early youth interested in religious and ethical problems. He denounced modern culture for its moral slackness, accused the Lutheran state church of mental sluggishness and narrowness and condemned the quality of contemporary religious life. Although a rather paradoxical idealism sometimes cut him off from vital contacts with values other than his own, it was just this idealism which deeply impressed Ibsen and Björnson, contemporary politicians, teachers and national leaders and, above all, Norwegian youth.

Inspired by Grundtvig in Denmark, in 1867 Bruun dedicated himself to an ambitious plan for folk high schools (*Folkehöiskoler*), similar to the one established three years earlier at Sagatun. These schools, one of which Bruun founded at Wonheim and directed for many years, were for peasants of eighteen and upwards. They aimed to awaken latent intellectual powers, to stimulate the national culture and to develop a free and rounded conception of life. Teaching was mostly through discussion and was aimed at neither examinations nor economic advancement.

The schools met strong opposition from orthodox religious leaders, pietists and rationalists and for long failed to obtain state support. Consequently the movement had difficulty in competing with the more utilitarian county schools, which obtained government subsidies. Bruun carried on a determined campaign, however, and by 1876 won some support from the state. After his death the schools Bruun had fostered were granted larger governmental appropriations than the county institutions and for the first time exceeded them in number.

Lilly Heber

Important works: *Folkelige grundtanker* (Popular basic ideas) (Christiania 1870, 4th ed. 1920); *Indlaeg i striden om folkehöjskolesagen* (Plea in the struggle for folk high schools) (Christiania 1879).

Consult: Uhrskov, Anders, *Christopher Bruun* (Copenhagen 1916); *Kristendom og norskdom, festskrift til Christopher Bruun* (Oslo 1919); Friberg, M., *Entstehung und Entwickelung der Volkshochschulen in den nordischen Ländern* (Bern 1897); Thornton, J. S., *Schools Public and Private in the North of Europe*, Great Britain, Board of Education, Special Reports on Educational Subjects, vol. xvii (London 1907).

BRYAN, WILLIAM JENNINGS (1860–1925), American political figure. His early training was intensely religious and his formal education was of an oratorical and moralistic nature, scientific training being conspicuously absent. He was trained for the law but was never successful at it, and the quest of a law practise brought him from Illinois to Lincoln, Nebraska, where he took active part in local politics. In his youth he had come into contact with agrarian discontent and in his early campaigns in Nebraska he designedly and by inclination made more of an appeal to the farmers than to the city workers and the townsmen. He had a Jeffersonian certainty that the farming classes were the backbone of the nation, but there is no evidence that he ever understood the difficulties of the urban factory workers. His firm belief in the unique importance of the farming class led him to accept their own remedies for their difficulties as true and adequate solutions. He became thus the greatest political exponent of American agrarian discontent, predicating his entire political career upon it and introducing agrarianism into the Democratic party. As congressman (1890–94) he came into national notice as an advocate of free trade and free silver, both measures being designed to benefit the farmers. His failure to receive the nomination for a third term in Congress released him for a skilfully managed propaganda in favor of the coinage of silver at the ratio of sixteen to one which resulted in his nomination for the presidency on the Democratic ticket in 1896.

The campaign that followed brought out the personal bases of his immense popularity, his unusual capacity for emotional oratory and his ability to cover enormous distances without apparent fatigue. He was the outstanding leader of the Democratic party from 1896 to 1915 and its candidate for the presidency in 1896, 1900 and 1908. He never achieved the presidential office, largely because he did not appeal to the urban voters, who felt that their interests were better served by the plutocracy or by other leaders. But despite his formal failure he was of real significance as the champion of the masses and as an advocate of the staple measures of political liberalism of his day. In his speeches and in his journal, the *Commoner*, which he conducted from 1901 to 1923, he advocated free trade, free silver, an income tax, prohibition, trust control, eventual government ownership of railways, woman's suffrage, abstention from imperialism, and international arbitration. His social creed was "the man against the dollar," and such an attitude made him an implacable enemy of concentrated wealth as symbolized by Wall Street. His influence on national legislation, through the Democratic senators and representatives in Republican administrations and his own part in the Wilson administration, was considerable. He even forced the dominant Republican party to deal with many of the issues he raised. In the Wilson cabinet Bryan became secretary of state, serving from March 4, 1913, to June 9, 1915, and resigning because he felt Wilson was moving toward participation in the World War.

Bryan's strength lay in a sensitivity to the aspirations of the disinherited, which, while it furnished the emotional drive for his political liberalism, led him also to an unmitigated belief that "the voice of the people is the voice of God." In economics, social morals or religion he rejected the intellectual formulations of his day and preferred the emotional common sense and tradition of the ordinary citizen to the analysis of the expert. After the war years and as he grew older his moral and religious interests gained the upper hand, and his closing years were made vivid by his campaign against the teaching of the doctrine of evolution in publicly supported schools, a campaign which reached a climax in the Dayton trial of 1925.

C. HARTLEY GRATTAN

Consult: Bryan, W. J. and M. B., *The Memoirs of William Jennings Bryan* (Philadelphia 1925), incomplete and on some matters inaccurate; Hibben, P., and Grattan, C. H., *The Peerless Leader: William Jennings Bryan* (New York 1929); Merriam, C. E., *Four American Party Leaders* (New York 1926) p. 63–84; *The American Secretaries of State and their Diplomacy*, ed. by Samuel Flagg Bemis, 10 vols. (New York 1927–29) vol. x, p. 3–44.

BRYANT, WILLIAM CULLEN (1794–1878), American journalist and poet. He was born of cultivated Puritan stock at Cummington in a part of western Massachusetts which retained many frontier characteristics. In 1810 he entered Williams College where, disappointed by the meager instruction, he remained less than a year. Law study, admission to the bar, discontented efforts to practise in Great Barrington, verse writing and marriage followed. He found the law "shabby," but within a few years made a national reputation by his poetry. He took up magazine work in New York in 1825, became assistant editor of the *Evening Post* in 1826 and in 1829 succeeded William Coleman as editor, a position which he held until his death. He did much to elevate journalism and gave the *Evening Post* an influence out of all proportion to its slender circulation.

Bryant was early involved in the Jacksonian movement, which became strong not only on the frontier but among urban workingmen, and in his editorial capacity he gave vigorous support to the principal doctrines of Jacksonian democracy. In his radical position on the relations between government and corporations, in his hostility to Chief Justice Marshall and other centralizing leaders and in his slashing support of labor unions against hostile courts he was much influenced by William Leggett. During the period 1835–37 Bryant assailed the inflation and speculation of the time; he also attacked all infringements on free speech, free mails and free publishing, especially as regarded abolitionists. His association with the Democratic party lasted till 1844 when his opposition to slavery brought about a growing divergence; in 1848 he was a leader in forming and supporting the Free Soil party. In the decade before the Civil War he and his associate John Bigelow were among the most fiery antagonists of the expansion of slavery and advocates of Republican doctrine. During the war he took a "radical" stand, urging emancipation and other aggressive measures, but after its close he stood for a mild reconstruction policy and in 1872 supported the Liberal Republican movement until the nomination of Greeley disgusted him. In later years he showed equal zeal for tariff and civil service reform.

Allan Nevins

Consult: Godwin, Parke, *A Biography of William Cullen Bryant*, 2 vols. (New York 1883); Bigelow, John, *William Cullen Bryant* (New York 1890); Wilson, J. G., *Bryant and his Friends* (New York 1886); Nevins, Allan, *The Evening Post: A Century of Journalism* (New York 1922) chs. v–xv; Parrington, Vernon L., *Main Currents in American Thought*, 2 vols. (New York 1927) vol. ii, p. 238–46.

BRYCE, JAMES (1838–1922), English historian, political theorist and statesman. He was a shrewd and tireless observer of life who sought, through a varied experience of his own, through conversation and inquiry and through constant travel, to understand fully the world in which he lived. He was always an indefatigable traveler—in the Caucasus, in South America, in South Africa and all the British dominions. Of him, as of the mediaeval Emperor Frederick II, it may almost be said that he was *universalis in omnibus rebus*.

As a historian of political institutions he must stand by his book on the *Holy Roman Empire* (London 1864, new ed. New York 1904), which is a permanent work of interpretative insight. As a commentator on modern democracy he has left the classical work on *The American Commonwealth* (2 vols., London 1888; new ed. New York 1910) and two volumes on *Modern Democracies* (2 vols., New York 1921). They show a rich descriptive gift; they contain the fruits of constant research conducted less in the study or by investigation of documents than by first hand inquiry and actual observation of the working of institutions. In his sociological method he went straight to the human factors which interested a deeply political mind—the quality of the human material in parliaments and assemblies, the methods of party organization and action, the character of a country's press, the influence of money in its politics. In one sense he was not systematic—he ranged freely from topic to topic; but the nature of his varied discourse had its analogy with the multiplicity of life itself. The work of Bryce as a jurist, represented by his two volumes of *Studies in History and Jurisprudence* (Oxford 1901), did much in a descriptive and analytic way to develop the concepts of comparative jurisprudence to which Sir Henry Maine had given such an impetus. In general his range as a writer was catholic: he could compare the Roman Empire with the British, and Roman law with English, at the same time that he could discourse on primitive Iceland or analyze the constitutions of the Boer republics in South Africa. He was always shrewd; he was generally just and accurate; but he tended to be diffuse, and the volume of his influence might perhaps have been greater if his work had been less voluminous.

As a Liberal politician and statesman he served for long years in Parliament and sat in cabinets. He belonged to a constellation (Morley, Haldane, Asquith, Grey) which was remarkable in the annals of British politics. His affinities were with Morley and Haldane; and like them both he combined (as Balfour on the Conservative side has also combined) the life of the scholar and the life of the politician. Less philosophic and less deductive than Morley or Haldane he had a richer grasp of facts and probably a deeper understanding of the people at large and the real world outside the study. Yet perhaps he lacked, as they lacked, constructive political imagination and popular appeal. In the world of diplomacy and of international relations he played a part by which he will not least be remembered. The master who had written *The American Commonwealth*, the ready talker and eager inquirer, the great repository of knowledge, he was naturally a great ambassador to the American people; and his work in interpreting this people and the English people to one another was a basis for a new era of mutual understanding. In his latter days he interested himself deeply in the problems of international peace; he followed both the American and the British plans for the solution of those problems, corresponding particularly with friends in America; and he may be counted among those whose labors helped to produce the new international spirit of our days.

ERNEST BARKER

Consult: Fisher, H. A. L., *James Bryce*, 2 vols. (New York 1927); Barker, Ernest, "Lord Bryce" in *English Historical Review*, vol. xxxvii (1922) 219–24; Gooch, G. P., "Lord Bryce" in *Contemporary Review*, vol. cxxi (1922) 304–13; Becker, Carl, "Lord Bryce on Modern Democracies" in *Political Science Quarterly*, vol. xxxvi (1921) 663–75; Pollock, Sir Frederick, "James Bryce" in *Quarterly Review*, vol. ccxxxvii (1922) 400–14; Shaw, Albert, "James Bryce as we knew him in America" in *Review of Reviews*, vol. lxv (1922) 277–84; Rockow, Lewis, *Contemporary Political Thought in England* (London 1925) ch. ix; Murray, R. H., *Studies in the English Social and Political Thinkers of the Nineteenth Century*, 2 vols. (London 1929) vol. ii, ch. viii.

BUBBLES, SPECULATIVE. The term bubble came into use early in the eighteenth century as descriptive of the more highly speculative joint stock undertakings of the period. Blackstone narrowly defines as bubbles "all unwarrantable undertakings by unlawful subscription." But the term has since acquired a more general application, and is used with reference to any situation in which the cumulative effect of widespread speculation has been to enhance prices to a point having no apparent relation to the object of the speculation.

The three outstanding bubbles in history are the tulip mania in Holland, the Mississippi scheme in France and the South Sea bubble in England. All three came before any considerable development of organized speculation. They were made possible in large measure by general ignorance concerning economic phenomena, particularly the little understood but rapidly expanding field of credit.

The tulip mania in Holland reached its height in 1636 and 1637 toward the end of a prolonged period of prosperity. The culture of tulips began to assume importance in Holland early in the seventeenth century, and until the beginning of 1634 trading was limited to professional growers and experts. In 1634 the public entered the market. All classes of the population joined in the excitement; in fact the speculation was carried on chiefly by persons quite outside the ordinary tulip trade. The mania spread to some extent to London and Paris. Starting in the middle of 1635 prices advanced with increasing rapidity. A pound Witte Croonen, for example, which cost $50, was sold for $1440. The markets underwent a rapid evolution. During the boom period in 1636 neither payment nor delivery was made at the time of closing the transaction. By the middle of 1636 most transactions took place without basis on either side. The seller sold bulbs which he did not possess for a promise of money which the purchaser did not possess. Paper profits were therefore tremendous and contributed greatly toward heightening the mania. Speculation degenerated into sheer craze during the autumn of 1636, and the crisis came suddenly on February 3, 1637. Prices collapsed. The government endeavored unsuccessfully to straighten out the resulting chaos of broken agreements and canceled contracts. The situation was only gradually cleared as various cities took steps of one kind or another. While the crisis was a shock to the economic structure, it did not have serious after effects. Few important merchants or large companies had been involved. It had been built up largely on a credit basis among individuals, and the collapse of the structure resulted more in psychological than in economic anguish.

The Mississippi scheme is perhaps the greatest speculation in a single company that has ever occurred. Its creator, John Law, was a Scot who gained considerable prestige in French financial circles owing to the success of his Banque Générale, founded in 1716, which in addition to other banking operations engaged in the issue of banknotes. In 1717 Law founded the Compagnie de la Louisiane ou d'Occident, which took over the grant for Mississippi trade held by Antoine Crozat, as well as the Compagnie du Canada. Its capital was subscribed one fourth in coin and three fourths in *billet d'état*, the depreciated government paper of the time. At first the depreciation of government paper and the determined opposition of powerful enemies drove down the value of the new company's shares, and for about one year the 500 livre shares sold for about 300. In September, 1718, however, the Compagnie d'Occident acquired the monopoly of tobacco from the crown. Furthermore, Law's Banque Générale was transformed into the Banque Royale, with Law as director and the king guaranteeing its notes. During 1719 other companies with special grants for foreign trade were absorbed and the company obtained control of the mint, undertook the payment of the national debt and received the grant to collect taxes. This expansion required additional capital. Law adopted a plan similar to the modern method of stock rights, in which every holder of four original shares (*mères*) could purchase one of the new shares (*filles*) at a premium. Payments were spread over a twenty-month period. The first issue early in 1719 was made with a premium charge of 50 livres per 500 livre share. The price of shares rose to 750. The second issue in the summer required a premium of 500 livres, and the price advanced again. In October the third issue, made at a premium of 4500 livres, was oversubscribed, and the shares sold at 8000. Paris had become the center of speculation for the entire world. It is estimated that over 300,000 persons came to the city during September and October, 1719. The increased population and the general recklessness in money matters which usually accompanies these bubbles led to great activity in trade and industry. On January 5, 1720, Law became controller general of the finances, and individual shares in the Compagnie d'Occident reached 18,000 livres in value. But confidence began to dwindle. Foreign speculators withdrew their gains in bullion. People began to sell shares. By various methods Law endeavored to maintain the price of the stock, and finally he declared it fixed at 9000 livres. This transferred the panic to the banknotes, and there was a rapid increase in their circulation. The bank was compelled to suspend payments, and Law went into hiding. The people were enraged, and the government endeavored to meet the situation by a number of actions against persons who in one way or another might be held responsible for the bubble. Both the bank and the company were destroyed.

Perhaps the best known bubble is that connected with the South Sea Company. In 1711 there was incorporated in England a new undertaking known as the "Governor and Company of the merchants of Great Britain, trading to the South Seas and other parts of America and for Encouragement of the fishing." The company took over nearly £ 10,000,000 of public debt, on which it was to receive 6 percent, secured by certain permanent duties. In exchange it was granted a monopoly of British trade with South America and the Pacific Islands. In 1713 the company received a monopoly of the lucrative slave traffic with Spanish America. The undertaking was only moderately successful. Late in 1719 it embarked on the more ambitious project of taking over the entire national debt. The Bank of England immediately made a counter offer; but the bid of the South Sea Company was accepted. This involved an offer to the government of £7,567,500 for the privilege of taking over the national debt of £30,981,712, on which the government was to pay 5 percent for seven years, and then 4 percent. The aim of the directors was to persuade the persons holding the debt, of which a large part was in the form of terminable annuities, to exchange it for South Sea stock. The stock, which was to be issued at a high premium, would extinguish a large amount of annuities with a small amount (par value) of stock. The enabling act of Parliament was not passed until April, 1720.

In the meantime there was a new development, the promotion of new companies. In 1717 the share capital of existing companies had slighty exceeded £20,000,000, of which one half was in the South Sea Company and one fourth in the Bank of England. Late in 1719 people encouraged by the success of the existing companies began to purchase stock in new enterprises. Subscribing for stock was made easy, the prospective purchasers being required to pay only a small fraction of par value. During January, 1720, there was uncertainty concerning the new proposal of the South Sea Company, and the interest of speculators turned to new ventures. In February the nominal capital in new companies exceeded £30,000,000. It became evident during this month that the debt would probably be sold to the South Sea Company, and its stock advanced from 128 to 187. An inquiry into the new subscriptions was undertaken by Parliament, which undoubtedly checked somewhat the excitement of the speculators; but the advance was resumed in the middle of March. The advance was cumulative in the case of South Sea stock because the higher the market price of the stock, the greater was the profit to be made on the debt conversion.

On March 18, 200 was reached; and in April, when stock was offered to the public and the debt conversion had begun, the price was over 400. In a few weeks more than half the annuitants had consented to convert.

Speculation was spreading rapidly to other fields, and there was a fresh outburst of new promotions during April. The earlier period had seen for the most part ventures in fishing, insurance and finance. The new enterprises were for foreign and colonial commerce. The speculation became most intense from May 20 to June 24. South Sea stock advanced to 800, and new enterprises with any promise advanced to large premiums. The total capital of new companies floated during the single week ending June 11 was £224,000,000. Many of these new companies were fantastic. Some of the purposes stated were: to fish for wrecks on the Irish coast, to make salt water fresh, to make oil from sun flower seeds, to import a number of large jackasses from Spain, to manufacture a wheel of perpetual motion. The directors of the South Sea Company were concerned with making more funds available for investment in their shares. They loaned funds to prospective purchasers, holding the stock as collateral, but they also used their influence to check the volume of new companies which were competing with them for capital. As a result, the Bubble Act (par. 18, 6 George I., c. 18) was passed declaring these new enterprises subject to legal punishment if not fundamentally sound.

Late in June South Sea stock reached its peak at 1050. At this time England was interested only in security prices. Everyone came to Exchange Alley to buy and sell stock. But in August the fall began. The insiders were mostly out, and word of their withdrawal made the collapse more certain. Furthermore a legal attack brought by the South Sea Company against certain other companies was such a shock to credit that it rebounded against the value of South Sea stock. At first the decline was chiefly in the new companies; but in September, 1720, South Sea stock fell from over 700 to below 180.

Although the whole affair was primarily financial it brought serious business depression in its wake. An inquiry by Parliament disclosed fraud and corruption in the conduct of the South Sea Company. Certain government officials were fined or imprisoned. The estates of the directors were confiscated, about four fifths being devoted to the relief of the sufferers. The greatest losers were probably the annuitants who had accepted the offer to exchange. They eventually received about one half the original value of their annuities.

Although there have been no bubbles in recent times which can compare with the three just described, speculative crazes still exist. In England prior to the crisis of 1825 the speculation in new companies was nearly as wild as in the South Sea bubble. Over 600 new joint stock companies were formed requiring £372,000,000 share capital, and prices of established companies went skyrocketing. There was a similar era of promotion ending in 1866, but it was much less extravagant. In the United States railroad speculation approached bubble proportions between the Civil War and 1873. The mulberry tree "craze" of the thirties, the "hen fever" of the fifties, the gold or Kaffir boom in the nineties, the rubber boom in 1910 and the Florida land boom of 1925 must also be mentioned.

In recent years bubbles have often been related to new industries. In the very nature of the case there are no past records concerning similar enterprises which can be taken by prospective investors as a basis for judgment. The new companies require capital for their development, and consequently the investment bankers are often enlisted on their side, using all available methods to convince investors of the promise of the new industry. The development of turnpikes, canals and banks played an important part in the bubble which burst in 1825. The expansion of railroads during the period from the sixties to the eighties and the growth of the electrical industry both possessed the necessary appeal to the speculative interest. Since the war the development of aviation companies has followed the same course. Many investors failed to differentiate between aviation records and aviation profits. As a result the speculative period of 1928–29 saw 33 companies listed on the New York Stock Exchange and Curb Exchange whose securities reached a value of $1,160,000,000, only to decline in the ensuing period to $284,000,000.

At present waves in speculative interest appear to be one of the most evident characteristics of the business cycle. The marked advance in security prices during 1928–29 was supported by the psychological optimism of a period of prosperity. The marked increase in publicity given by newspapers to financial news and the application of high pressure salesmanship to securities further enhanced the intensity of the situation. On the other hand the rapid development of paraphernalia for speculation—stock exchanges, brokerage houses—has eliminated some of the difficulties in the way of widespread speculative activity. The extensive use of credit through margin accounts and call loans is another modern phenomenon which tends to stimulate speculative interest. There is, however, some tendency to exaggerate the part played by the speculative element in the business cycle. Stock speculation is a symptom rather than a basic cause. It may exaggerate the crisis, but its chief importance lies in its effect on the psychology of business men.

The bubble is fundamentally a psychological phenomenon. It is based on the principle of projection. The speculator is aware of past advances of price. He is therefore convinced of future advances in prices. He purchases with no intent other than resale at a higher price, seldom considering the economic forces in the situation. He sees only the anticipated profit. The character of his position, emotional rather than rational, makes him extremely susceptible to rumor, and assures a severe crisis when the reaction sets in.

WILLARD L. THORP

See: SPECULATION; CRISES; BOOM.

Consult: Mackay, Charles, *Memoirs of Extraordinary Popular Delusions*, 2 vols. (2nd ed. London 1852) vol. i, p. 1–92; Posthumus, N. W., "The Tulip Mania in Holland in the Years 1636 and 1637" in *Journal of Economic and Business History*, vol. i (1928–29) 434–66; Oudard, Georges, *La très curieuse vie de Law* (Paris 1927), tr. by G. C. E. Massé (London 1928); Scott, W. R., *The Constitution and Finance of English, Scottish and Irish Joint-Stock Companies to 1720*, 3 vols. (Cambridge, Eng. 1910–12); Benjamin, L. S., *The South Sea Bubble* (London 1921); Cole, A. H., "Agricultural Crazes" in *American Economic Review*, vol. xvi (1926) 622–39; Mattram, R. H., *A History of Financial Speculation* (London 1929).

BUCARELI Y URSÚA, ANTONIO MARÍA

(1717–79), viceroy of New Spain (Mexico) and "father" of the present American state of California. Bucareli was born in Spain and entered the army, rising to the rank of lieutenant general. He served also as governor and captain general of Cuba and was appointed viceroy of New Spain in 1771. A man of the highest character, he was also endowed with extraordinary abilities and is considered one of the best of the Spanish viceroys. His greatest work was on behalf of Alta California, as California was then called, where in 1769 after two hundred and fifty years of effort the Spaniards had at length founded settlements. After a precarious existence of four years these establishments were on the point of being abandoned in 1773, but were saved by a remarkable series of constructive measures on the part of Bucareli. Most important of these was the opening of a land route, which under conditions as they existed in those days was the only way that settlers and the other elements of a permanent establishment could be sent to the province. These measures culminated in the founding of San Francisco in 1776. In that same year California was taken out of his hands and included in a new government of the frontier provinces. In consequence the overland route was neglected and the development of population of the province which Bucareli's measures promised to effect never materialized. He had saved California from falling into the hands of England or Russia, which might have hindered its acquisition by the United States, but he was not permitted to give California a chance to become ineradicably Hispanic, perhaps eventually a Spanish American republic. The negligence of his successor served virtually to hold the land in trust for the later occupation by the United States.

CHARLES E. CHAPMAN

Consult: Chapman, C. E., *A History of California* (New York 1921) p. 269–76.

BUCHANAN, DAVID

(1779–1848), Scottish economist. His most important work was his annotated edition of Adam Smith's *Wealth of Nations*, with a supplementary volume entitled *Observations on the Subjects Treated of in Dr. Smith's Inquiry . . .* (Edinburgh 1814). This volume presents many acute criticisms of Adam Smith, particularly of his rent theories, and advances an argument for progressive taxation on the ground that a proportional rate works a hardship upon the recipients of small incomes.

In 1844 he published an *Inquiry into the Taxation and Commercial Policy of Great Britain* (Edinburgh), a work in which he favored free trade and criticized the existing system of taxation. He was opposed to taxing manufactured goods, and although he accepted the income tax in principle he held that it was indefensible in practise since it allowed inequitable assessment and evasion and was inconsistent with the "spirit of freedom." Believing that rent was due to the monopolistic ownership of land Buchanan attacked in this book the Ricardian theory of differential rent as "a skilfully disguised fallacy."

W. H. DAWSON

Consult: Cannan, Edwin, *A History of the Theories of*

Production and Distribution (3rd ed. London 1924); Seligman, E. R. A., *The Shifting and Incidence of Taxation* (5th ed. New York 1927) p. 149, 195, and *Progressive Taxation in Theory and Practice* (2nd ed. Princeton 1908) p. 259.

BUCHANAN, GEORGE (1506–82), Scottish humanist, historian and political philosopher. He was educated at Paris and at St. Andrews and spent most of his life as a wandering scholar, teacher and poet. His political thought is foreshadowed in his Latin tragedy *Baptistes* (written about 1541), which discusses the rights of reformers to resist authority and is an acute psychological study of the mixed motives against which they have to contend. Returning to Scotland in 1561 Buchanan joined the Reformed church, served as lay member of several of its general assemblies and in 1568–69 sat on the commission sent to England by the reformers to state their case against Mary Queen of Scots—a case which he later presented to European public opinion in his *De Maria scotorum regina*, commonly known as *Detectio* (London 1571?). From 1570 until his death he was tutor to the young king James VI. Besides his classical if not unpartisan *Rerum scoticarum historia* (Edinburgh 1582), primarily valuable as a record of his own time, Buchanan's chief prose work was *De jure regni apud Scotos* (Edinburgh 1579, tr. into English by Robert Macfarlan, Edinburgh 1799). It was written between 1567 and 1570 and circulated in manuscript, so that it antedated the writings of the French monarchomachs. It is usual to say that the *De jure* contains no novel contributions because it is built on a foundation of mediaeval conceptions, the subordination of the king to law, the compact between king and people and the right to depose the king for breach of the compact. Actually Buchanan's development of these ideas makes his work the most modern between Machiavelli and Hobbes. The law to which the king is subject is positive law, enacted by the national legislative assembly and requiring constant change and experiment in the process of giving content to natural law, which Buchanan regards as merely a sense of justice. The function of the king is little more than to serve as a public example of good morals. Buchanan is one of the earliest writers to accept expressly the theory of majority rule. Answers to *De jure* were published by Blackwood, Wyznet and Barclay. In the next century it had a great vogue among opponents of royal absolutism.

John Dickinson

Consult: Brown, Peter Hume, *George Buchanan, Humanist and Reformer* (Edinburgh 1906); Glasgow-Buchanan Quatercentenary Committee, *George Buchanan: Glasgow Quatercentenary Studies 1906* (Glasgow 1907), containing complete bibliography of Buchanan's works and works about him, as well as an analysis of the *De jure* by W. S. McKechnie; *George Buchanan: a Memorial*, ed. by D. A. Millar (St. Andrews 1907).

BUCHANAN, GEORGE (1831–95), British public health authority. He was the son of a London practitioner of Scottish origin and graduated in 1855 from the University of London. He was a physician at the London Fever Hospital from 1861 to 1868, a period when "fever," largely typhus, was still endemic and frequently epidemic in London and had become the chief concern of public health authorities. In 1857 Buchanan was appointed medical health officer to the crowded, poverty stricken London parish of St. Giles. His early reports on conditions in this parish deserve comparison with the reports for the entire city made by John Simon. In 1869 Buchanan became permanent inspector of the Privy Council, of which Simon was medical officer; he was soon transferred with Simon to the newly formed Local Government Board and eventually succeeded the latter as the medical officer of this board. In the course of his work for the Privy Council Buchanan prepared an official report on the decrease of mortality in twenty-five towns, following the installation of main drainage works and the provision of public water supplies. The report pointed out the decline in typhoid fever and pulmonary phthisis with the decrease in the dampness of the soil. In a subsequent study of the vital statistics of certain areas in the south-east of England, Buchanan discovered an excess of phthisis in the districts of impervious soils as compared with districts of porous soils. Those investigations had considerable influence on the medical opinion of the day and were described by Simon as having "become classical in sanitary literature." Although the conclusions based on them must be modified in the light of modern knowledge of both tuberculosis and statistical method, the preference for porous soils still exists even if the directness of the causal relationship is questioned.

Arthur Newsholme

BUCHANAN, JOSEPH RAY (1851–1924), American labor leader. Born in Missouri and a printer by trade he was drawn to Colorado in 1878 by the "Leadville Fever." The railroad brought cheap labor and wage cuts to Leadville, and Buchanan found himself on the street corners agitating for striking miners. From Leadville he moved to Denver, where he started a small paper, the *Labor Enquirer*, and acquired sufficient fame to be named Rocky Mountain representative of the International Workingmen's Association in 1883. The depression of 1884–85 and the receiverships into which speculation had thrown the western railroads brought on a series of wage reductions for the shopmen. In May, 1884, the Union Pacific shopmen walked out and appealed to Buchanan for leadership. He organized them into assemblies of the Knights of Labor, which he had joined through his affiliation with the Typographical Union, and won the strike. Within a year four great railroad strikes were fought, and his leadership of the famous strike on the Denver and Rio Grande Railroad and the victory over Jay Gould won for Buchanan a place on the general executive board of the Knights of Labor, then at the height of its power. He broke with Powderly in 1886 over the expulsion of the Cigar Makers from the order and attempted to lead a secession when he was excluded from the Minneapolis General Assembly. He was active in the movement to save the men sentenced in the Haymarket bomb affair, in the People's (Populist) party and for a time in the Socialist Labor party. In 1892 and again in 1894 he attempted to unite the scattered forces of labor but without success.

His autobiography, *The Story of a Labor Agitator* (New York 1903), reveals a romantic individualist who could find no place in party or organization demanding regularity and assent. His life and adventures probably best epitomize the type of labor agitation and revolt which first made its appearance in the far West.

NORMAN J. WARE

Consult: Ware, Norman J., *The Labor Movement in the United States, 1860–1895* (New York 1929).

BUCHENBERGER, ADOLF (1848–1904), German statesman and agricultural economist. After completing a course in cameral science Buchenberger entered public life in Baden in the seventies, and after 1893 served as its finance minister. It was largely due to his broad concept of the office that Baden was known as the best governed of the south German states.

Buchenberger approached the problems of government scientifically. He was most interested in questions of agricultural policy growing out of the rise of economic protectionism in Germany, such as the development of new crops, better credit facilities, a lightening of taxation on agriculture and other measures for improving the conditions of the peasant and small landholding class. In 1882 and 1883 he conducted a thorough statistical survey of the agricultural situation in Baden which was unique in its field and became the model for similar undertakings by other territories. As part of Adolph Wagner's voluminous *Lehr- und Handbuch der politischen Ökonomie*, he wrote *Agrarwesen und Agrarpolitik* (2 vols., Leipsic 1892–93), the standard work of the period on German agricultural policy. It is remarkable both for its erudition and for its judgments, and many sections are still considered authoritative. The theory of economic individualism is contrasted with a program for systematic state intervention in favor of agriculture, carefully moderated so that the sense of individual responsibility would not be weakened by the supervising activity of the state. Under the title *Grundzüge der deutschen Agrarpolitik* (Berlin 1897, 2nd ed. 1899) Buchenberger gave a condensed, popularized account of the premises and the aims of his agricultural policy.

AUGUST SKALWEIT

Consult: Reinhard, R., "Zur Erinnerung an Adolf Buchenberger" in *Zeitschrift für die gesamte Staatswissenschaft*, vol. lxi (1905) 131–58.

BUCHEZ, PHILIPPE JOSEPH BENJAMIN (1776–1860), French social philosopher. After the failure of the Carbonari movement, in which he had taken a prominent part, Buchez became converted to Saint-Simonism; this too he renounced in 1829 because he disapproved of the pantheistic religious doctrines of Bazard and Enfantin. His own social philosophy is presented in the *Introduction à la science de l'histoire* (Paris 1833; 2nd ed. 2 vols., 1842), and the *Essai d'un traité complet de philosophie, du point de vue de catholicisme et du progrès* (3 vols., Paris 1838–40). During the Revolution of 1848 he was elected to the Constituent Assembly, of which he became president on May 4 as a representative of the moderate wing. His influence as a politician was slight and after the revolution he retired into private life.

The basis of Buchez' philosophy is the conception of continuous progress through successive stages of history. The last stage was initiated by the revelation of the Christian religion and will be completed when the precepts of Christ, equality, fraternity, charity, have been applied to social organization. Since, as he believes, the church has failed in its mission, other forces must accomplish its work. Buchez' sympathy with the achievements of the French Revolution was expressed in *Histoire parlementaire de la révolution française* (40 vols., Paris 1834–38; 2nd ed. 6 vols., 1846), a vast collection of documents which he edited in collaboration with Roux-Lavergne. Accepting the revolution, he nevertheless condemned violence. Here as elsewhere his political doctrines, like those of other French democrats under the bourgeois monarchy, are somewhat vague and confused. As a practical measure of reform Buchez advocated, especially in his publication *L'européen*, that working men form associations to assume control of raw materials and the tools of production. Thus he may be regarded as a founder of the producers' cooperative movement. The working class newspaper *L'atelier* (1840–50) derived its inspiration from Buchez' ideas, while his theoretical writings exercised an important influence on J. M. Ludlow and other English Christian Socialists.

HENRI SÉE

Consult: Ott, A., "Notice sur M. Buchez" in Buchez' *Traité de politique et de science sociale*, 2 vols. (Paris 1866); Castella, G., *Buchez historien* (Fribourg 1909); Cuvillier, Armand, "Buchez, le fondateur en France de l'association ouvrière de production" in *Revue des études coopératives*, vol. i (1922) 356–71; Weill, Georges, *Histoire du parti républicain en France de 1814 à 1870* (Paris 1900).

BÜCHNER, LUDWIG (1824–99), German philosopher. Brother of the revolutionary dramatist, Georg Büchner, he was a leader in the *Materialismusstreit* which raged in Germany in the last half of the nineteenth century. He had been trained as a physician and after his dismissal from the University of Tübingen caused by the publication of his *Kraft und Stoff* (Frankfort 1855, 21st ed. Leipsic 1904; tr. by J. F. Collingwood London 1864, 4th English ed. from 15th German ed. London 1884) devoted himself to study, scientific popularization and social agitation.

Büchner's materialism pretended to be the logical corollary of the exact and biological sciences. Together with Vogt and Moleschott he regarded the categories of mechanics—force, matter and motion—as fundamental, explanatory terms to which everything could be reduced.

The real import of his theory was its opposition to dualism of the metaphysical religious variety. In order to combat religious dogmas more effectively it erected into opposing dogmas the tentative results won by the science of its own day. In discussing social and political questions it appealed not to revelation but to the laboratory and, after Darwin, to the workshops of nature. Büchner never worked out a consistent theory of materialism. He characterized his position as "realistic monism" in contrast to the dualistic idealism which was the current state philosophy. He won adherents among the rank and file of the German Social Democrats by virtue of the negative impact of his "militant naturalism" rather than by anything positive. Marxian theoreticians (e.g. *vide* K. Kautsky's *Materialistische Geschichtsauffassung*, Berlin 1929), following Engels' lead, have dubbed his standpoint "vulgar materialism," condemning its mechanism, its unhistorical character and its sentimental ethical tendencies. Büchner's other important works are *Natur und Geist* (Frankfort 1857, 3rd ed. Halle 1874) and *Darwinismus und Sozialismus* (Leipsic 1894, 3rd ed. Stuttgart 1910).

SIDNEY HOOK

BUCKET SHOPS. A bucket shop is an organization which poses as a commission brokerage house, dealing either in stocks or in grain and cotton futures, but which does not actually execute the trades that are ostensibly made through it for the account of its customers. If, for example, a customer gives the bucket shop an order to purchase on margin 50 shares of corporation stock, the bucket shop merely makes a book entry indicating that the customer has purchased this amount of stock at a nominal price based on the next transaction on some exchange. When the customer orders the stock sold he is credited with the nominal selling price and his margin deposit is returned to him with an addition or deduction for his profit or loss. If the customer decides instead of selling to pay out the balance of his account and take the stock, the bucket shop must of course buy it for him, taking a profit or loss on any change in price which may have occurred. In effect the bucket shop simply speculates on the opposite side of the market from each of its customers to the extent of the customer's open trades.

There are several advantages which the house derives from bucketing. First, there is a saving in interest. Whereas a commission house expects to make a moderate profit on the difference between the rate it charges customers for loans and the rate it pays for bank accommodation, a bucket shop can keep the entire amount of interest which it charges all margin buying accounts just as if the orders had actually been executed. Second, a bucket shop saves the expense involved either in maintaining representatives on the floor of an exchange or in payment of commission to exchange members. Its commission rates are ordinarily the same as those of a legitimate house, but the charges are net profit. Third, there is a possibility of profiting by manipulation of purchase and sale prices. A legitimate brokerage house reports to each customer the actual price involved in every trade for his account and is interested in securing for him the most favorable prices possible. The bucket shop reports an arbitrary price, based in theory on the next official quotation after the order is received. This procedure offers the house an opportunity to report as high a price as is plausible. For instance where orders are received by mail it is quite possible to report the highest price on purchases and the lowest price on sales made during the day.

Bucketing, of course, exposes the house to the risk of speculative loss if its customers are predominantly on the right side of the market. When the shop has a considerable number of customers it is to be expected that long and short accounts will to a considerable extent offset one another. In case there is a predominance of long accounts, as is usual, the bucket shop can, of course, eliminate its risks by actual execution of a sufficient number of purchase orders to leave the bucketed trades in balance.

A more roundabout method of bucketing came to public attention as the result of a long series of failures of brokerage houses in the winter of 1921–22. In this method of operation a customer's order was executed in the regular way, either through an exchange or "over the counter." At the same time the house actually made a trade of the same size on its own account, taking the opposite side of the market. For every share its customers were "long" the house was "short," for every share they were short it was long. At the close of each day the purchases and sales were in balance, so that no stock had to be received or delivered and no money had to be borrowed or advanced by the house.

During the protracted period of falling security prices which terminated in the summer of 1921 a large number of concerns employed this system to their very great profit. Because the majority of their customers were committed to the long side the houses which practised "trading against orders" made money on their own trades, while the low interest rates they charged served to attract a huge clientele. When the market turned upward and the public began to make money such firms failed in great numbers. Investigations usually showed that those of the customers' funds which had not been lost in trading short against the rising market had been wasted or stolen.

The fight against bucket shops is being carried on by public authorities and by the organized exchanges. Several states have enacted laws specifically aimed at bucketing. One of the most effective of these is the Martin Act of New York state, which imposes upon the attorney general the duty of detecting and prosecuting bucket shops. The organized exchanges prohibit their members from doing business with bucket shops and withhold ticker service from suspicious nonmember brokerage firms. These measures have not so far succeeded in completely doing away with bucket shops; many of them continue to inflict losses upon the inexperienced speculator of small means and to discredit speculative trading in the eyes of the general public.

Charles O. Hardy

See: Speculation; Stock Exchange; Commodity Exchanges; Fraud.

Consult: Huebner, S. S., *The Stock Market* (New York 1922) p. 60–65; Barnes, John K., "Fighting the Fakers in Finance" in *World's Work*, vol. i (1925) 614–19; Wyckoff, R. D., "Bucket Shops and How to Avoid Them" in *Saturday Evening Post*, April 8 and 22, 1922; Boyle, J. E., *Speculation and the Chicago Board of Trade* (New York 1920) p. 89–96; Hill, John, Jr., *Gold Bricks of Speculation* (Chicago 1904) p. 19–91; Wille, Conrad A., *Das System des Bucketshop* (Berlin 1914).

BUCKLE, HENRY THOMAS (1821–62), English historian. Buckle's *History of Civilisation in England* (2 vols., London 1857–61; new ed. by J. M. Robertson, 1 vol., 1904) is but the introduction to a great work which was cut short by the author's early death. He begins by describing the method of a true inductive science of history, of which his work is to be the first example. Man is wholly a part of that nature about which modern science has discovered so much. The incompetence of historians, their preoccupation with individual biographies, with political and military history, coupled with the lack of adequate statistical materials on past ages, have hitherto prevented history from establishing itself as a true science with a body of laws. Drawing on his wide reading Buckle by a process of inductive reasoning worked out physical, moral and intellectual laws which he claims are universally valid. Physical laws are of two kinds: those which show the relation between such factors as soil and climate and material wealth; and those which show that where nature is too terrible man's mind is overstimulated, that where nature is too mild man's mind is understimulated, and that only in Europe is the balance reached and man made nature's master. Moral laws are everywhere unchanging and therefore without influence on man's progress. Intellectual laws show that the genuine scientific method, a combination of induction and deduction, has, when allowed free play, guided human beings—or rather certain European races—to more perfect civilization. Buckle then attempts to illustrate these laws from the history of France, Spain and Scotland and concludes therefrom that complete intellectual freedom, with the consequent willingness to doubt and investigate, permits the unimpeded working of the laws, but that the "protective spirit" in art, thought and industry curbs their operation and impedes progress.

Criticism of this system is too easy to be profitable. But in its very inadequacies the *History of Civilisation in England* is one of the most important works in the history of the social sciences. In the first place it was translated into all the important European tongues and widely disseminated (Wallace found it in translation in the huts of Russian peasants). Its brash confidence in progress, its lordly generalizations, its apt detail and its swinging rhetoric, its attacks on conservatism, especially on clerical conservatism, gave it a place superior even to that occupied by Comte, Mill and Spencer in the minds of thousands of obscure, faithful nineteenth century radicals. In the second place it is, by the fact of its great circulation, one of the best possible sources for a study of an important phase of public opinion of the time. For the investigation of the meaning given by even quite ordinary Victorians to such abstractions as "progress," "liberty," "civilization," "protective spirit," it is invaluable. Finally, although Buckle was exceptionally gifted for abstract speculation, his attempt to apply his powers to the stuff of history resulted in so many unresolved difficulties, so many faults of logic, that his work must remain as a warning to all who hope to deal with history as a science.

Buckle scandalized contemporary historians and perhaps helped to keep them more than ever attached to safe and narrative history. Recent historiography is, however, wholly in sympathy, if not with Buckle's methods, at least with his underlying assumptions as to the nature of history. In particular his emphatic insistence on the study of the masses of men rather than of the exceptional individual has helped to create modern social history.

CRANE BRINTON

Works: *Miscellaneous and Posthumous Works of Henry Thomas Buckle*, ed. by Helen Taylor, 3 vols. (London 1872), containing a biographical notice by the editor.

Consult: Huth, A. H., *The Life and Writings of Henry Thomas Buckle* (New York 1880), containing a bibliography; Fränkel, F., *Buckle und seine Geschichtsphilosophie* (Berne 1906); Robertson, J. M., *Buckle and his Critics* (London 1895); Barth, Paul, *Die Philosophie der Geschichte als Sociologie* (Leipsic 1897) p. 278–84; Stephen, Leslie, *The English Utilitarians*, 3 vols. (London 1900) vol. iii, p. 344–75.

BUDDHISM

DOCTRINES AND INFLUENCE. Buddhism is a religious system which, since its origin in India in the sixth century B.C., has spread out to nearly all the Asiatic countries and so influenced their peoples that oriental culture in large measure may be called Buddhistic. Its name is derived from an appellation of its founder, "Buddha," or the "Enlightened," who is otherwise known as Gotama, his family name, or Sakya-muni, the sage of the Sakya clan which inhabited a portion of the borderland of the Himalaya range and the valley of the Ganges. The appellation Buddha was one adopted by the founder himself, probably in contradistinction to the other prevailing epithets signifying sage, seer or leader. It expressed a significant characteristic of his leadership: the conviction that a man fully enlightened in the truth of existence, aware of the oneness of all beings, had a mission to lead all fellow beings to a life embodying that truth and therefore to the same dignity of Buddhahood.

The metaphysical conception of the oneness of existence had been developed through many years by the Brahmanic predecessors of Buddha, but its application as a practical social ideal had ever been hampered by the caste system and the sacerdotal authority of the Brahmans, the privileged priestly class of India. This caste monopoly was, at least in theory, broken down by the leadership of Buddha, who had himself belonged to the warrior class but abandoned all the glories and luxuries of an aristocrat for the sake of his spiritual ideal. When he appeared as the teacher of a new gospel of equality, however, he was not so much an active social reformer as a propounder of the way of purity to be practised by all. His disciples included men and women, princes and outcasts, wealthy and mendicants, scholars and barbers, even sinners and robbers. His ministry and the consequent formation of the community (*sangha*) of his disciples aroused little resistance from the established religions except in a few instances. The *sangha* had become quite a significant force throughout India by the time of his death, about 480 B.C. (the dates of birth and death of Buddha are controversial; most scholars now agree upon *c.* 560–480 B.C., but in Burma, Siam and Ceylon the dates 623–543 B.C. are generally accepted); in succeeding years its influence spread gradually and steadily beyond the boundaries of India until within ten centuries the Buddhist religion had become the ruling force of nearly the whole of Asia. Even in India, where it disappeared as an active religion about the tenth century A.D., the Buddhist tradition never wholly ceased to influence religious and social life.

Buddhism as a driving force in faith and culture can be understood only after an examination of the spiritual sources of its influence. Perhaps the most important factor in its appeal was the personality of its founder. He exemplified in his own life and stressed in his leadership the fact that worldly glories or wealth have nothing to do with the real value of life; that neither knowledge nor erudition but spiritual insight or "enlightenment" is the key to real bliss; and that fellowship in sympathy and charity is the consummation of self-training. The importance of this doctrine lay in its emphasis not only on the power of personality but also on the equality of every person in respect to the destiny to Buddhahood. Herein lay the kernel of Buddhism as a universal religion, which could not only overshadow the caste system of Brahmanic India but could unite peoples of different races and cultures in one ideal of universal perfection.

The type of personal training advocated by Buddha was also largely responsible for the influence of his doctrines. Asceticism had long been a major force in Indian society. Buddhism took over this ideal, and the methods of Buddhist training were certainly ascetic. Buddha himself, however, went through them as a middle way between pleasure and self-torture, with the aim of self-purification leading to the denial of selfish motives and to the realization of the oneness of existence in the spirit and life. Although some forms of Buddhism developed extreme ascetic practises, Buddha personally emphasized moderation. Buddhist training bore its best fruits in the development of strong personalities and in a widespread and effective stimulation of charity and social service. Indeed the Buddhist training resulted in something like a harmonious combination of the spiritual exercise of the Jesuits, the charity of the Franciscans and the social service of the Benedictine monks.

The doctrinal basis of Buddhist influence is contained in the teaching of karma and dhatu, which may be considered the fundamental ethical and social ideas of Buddhism. The metaphysical basis of these ideas may be found in the Brahmanic *Upanishads*, but it remained for Buddhism to develop their social implications. The central concept of karma is that of deeds and retributions lasting through lives: the present life is the result of the past karma, the future of the present; life is a continuity surpassing the reach of memories and stretching beyond the grave, a link of changing and moving forces of deeds and retributions. This continuity is not limited to the individual life but applies also to grouping of beings, dhatu. Just as one individual life constitutes a phase of the long series of deeds and retributions, so the nature of a group is the manifestation of a common karma as well as the determining force for the beings born into the group. And as there are infinite varieties of karma, so are the kinds of dhatu numberless, ranging from the larger realms of existence, such as the heavenly worlds and the purgatorial circles, the races of animals and mankind, to the groupings of people according to locality, community, class, guild, family and even to the links binding loving couples or hated enemies. Not only weal or woe, love or hatred in the individual life, but the growth or decay of races, the rise or decline of kingdoms and even of world systems —every movement of life is a phase of the large cosmic movement of the forces called karma and dhatu.

These ideas had a variety of social manifestations. They led people to see the extent and meaning of life even to the overcoming of its individual limitations. Karma comprises thought, speech and bodily acts, all of which must be purified to assure escape from the entanglements of vicious karma. But since mental acts—ideas, feelings, intentions—are chiefly emphasized, spiritual exercise and training of the will assumed great importance. Appealing to the sentimental life, the idea of karma refined it by arousing a delicate sense of sympathy in every movement of feeling and emotion. Herein lay the basis of one of the characteristic features of Buddhist charity, its close association with a sense of compassion or commiseration (*metta-karuna*). In practise Buddhism encouraged social service of many kinds as part of the obligation of every Buddhist to his fellow beings, not only because of the links of karma and dhatu but in order that these fellow beings might be led to Buddhahood, or "Supreme Enlightenment." On the other hand it must be realized that the influence of the doctrine of karma was stronger in affecting sentiment than in leading to active work; it is also true that in many cases the doctrine led to an easy submission to the irrevocable. Thus western critics of Buddhism are not entirely mistaken when they criticize it as fatalistic and pessimistic, but such criticism fails entirely to explain the vitality and quickening influence of Buddhism in its period of growth.

One factor in this influence was the vitality of the sense of community given by Buddhism and developed from certain aspects of the conception of dhatu. The dhatu may be a solidarity based either on avaricious intentions or on mutual service and loyalty. Since most worldly groups are products of custom and instinct, there is great need for the deliberate formation of others on the basis of reason and high ideals. The Buddhist *sangha* as the most important of such groups is called the "harvest-field of merit" (*punna-khetta*); and it was in the formation of *sangha* that the fundamental ideas of Buddhist faith found actual embodiment. The *sangha* was a community for the mutual enhancement of meritorious deeds. Not only did its regular members, the monks and nuns, owe one another help and emulation; these monastic members contributed to the community the "gift of truth," i.e. teaching, while the lay followers, particularly those who were organized in a kind of tertiary order, were responsible for the "gift of provision." Thus the pervading idea of Buddhist life was that of mutual indebtedness, religious, moral and economic, not limited to the visible community but in ideal communion extended to all the saints of the past and future, visible and invisible beings, all destined to become enlightened and finally to attain Buddhahood. It was the actual community that proved effective in enforcing discipline, in organizing social and missionary work, in perpetuating ideals and traditions, while the ideal extension of the fellowship inspired all Buddhists to a sense of union transcending race, class, country or time. This idea of invisible communion in enabling Buddhism to adopt the divinities of other religions made easier the spread of the Buddhist faith; in keeping alive the sense of communion with the intangible genii of nature it both enhanced the poetic imagination and induced compromise with animistic beliefs.

A central tenet of Buddhism is the universal application of its "Three Gems": the "Person" of Buddha, the "Truth" revealed by him and the "Community" of his followers. The missionary spirit of Buddhism was originated by the founder himself. Buddhists call the first preaching by Buddha "Turning the Wheel of Truth,"—the wheel which goes unimpeded everywhere, the truth which is destined to lead all beings to Buddhahood. According to tradition Buddha hesitated to reveal his spiritual vision because he thought it too hard for common mortals to grasp. The overcoming of this hesitancy implied his determination to open wide the "Gateway of Immortality" to all; and the first sermon given at Benares about 525 B.C. together with the missionary charge delivered to his disciples heralded the opening of a great missionary movement which was destined to cover the whole of Asia. The fifty years of his ministry were spent in journeys of preaching, consoling, admonishing, throughout the valley of the Ganges. Many of his disciples followed his example, one of them starting a foreign mission among the savage Suna tribes beyond the Indus. The missionary spirit of Buddha was expressed by his adoption of the appellation Tathagata, meaning Truth-winner and Truth-revealer.

In his lifetime Buddha not only visited pest stricken regions and penetrated into warring countries, but he also caused his rich followers to establish hospitals and asylums, to institute famine relief and travelers' aid; even the poor shared in the giving of personal service. There are many legends illustrating his effectiveness in overcoming caste distinction and in stimulating sympathy and charity; even if these have no basis in fact they show the ideal aims of Buddhism in the period of its growth. More solid historical data as to its development are found in the edicts of King Asoka inscribed on rocks and preserved nearly intact, wherein Buddhist works of social service and the establishment of foreign missions are unmistakably recorded. Asoka's reign (*c.* 269–*c.* 232 B.C.) marks the high point of

Buddhist influence in India and it was due to his zeal that Buddhist missionaries traversed the continents and seas. Within a few centuries most of southern Asia had come under Buddhist influence, while Central Asia and the Far East were brought into the circle during the first five centuries of the Christian era. Introduced into China in the first century A.D., it spread into Korea in the fourth century, thence into Japan in the sixth and southward from China into Annam about the tenth century A.D.

The spread of Buddhism was notable for the number of strong personalities it engendered. Buddhist missions everywhere supported and stimulated a cultural vitality that led to the development not only of saints and ascetics, missionaries and social workers, but also of statesmen and physicians, artists and poets. Of many we have historical records, others left works of art or literature, while some survive only in deified form. Indeed largely to Buddhist inspiration is to be credited the galaxy of great men and some women adorning the histories of the Asiatic peoples in the thirteen centuries from 500 B.C. to 800 A.D.

The civilizing effects of Buddhist influence are no less marked. In addition to its rich heritage of Brahmanic culture Buddhism absorbed a certain amount of Greek culture, which had early implanted itself in the northwest of India. After a further contact with Persian influences Buddhism civilized the nomad peoples of Central Asia. Under its inspiration scripts and systems of writing were adopted, worship was adorned by art and the social life was largely molded by its ideals. No more vivid testimonies to the civilizing influence of Buddhism are seen than in the relics unearthed from the buried cities of Central Asia. But of more far reaching importance was its influence upon Chinese culture, which was destined to mold the civilizations of Korea, Japan, Tibet and Indo-China. Buddhist influence also progressed southward even as far as the Melanesian Islands, where, however, the Brahmanic heritage was more predominant than in the north.

Though not entirely homogeneous the whole of Asiatic Buddhadom during the first six or seven centuries of the Christian era formed an area of one pervading culture in which Buddhism was definitely the inspiring and integrating power. This oriental civilization, however, could not resist the forces of disintegration. The effects of political separation, the migrations of the nomad tribes and the division into schools and sects were brought to a climax by the Mohammedan invasions and the Brahmanic revival and finally broke down the solidarity and the common culture of Buddhadom. In India Buddhism has been of minor importance since the twelfth century A.D.; in other countries it has taken on national characteristics. But whatever its present position or future fate no one can ignore the fact that Buddhism was once an integrating and civilizing force throughout the whole of the Orient.

The weakness and the strength of Buddhism were alike due in large part to the tendency to compromise which characterized Buddhist propaganda. Buddhism has always worked as a conciliatory force, only in the most exceptional instances fostering the development of a combative attitude. Thus there was no aggressive hostility manifested by Buddhism in its contacts with Zoroastrianism, Manichaeism, Nestorian Christianity, Confucianism, Taoism or even with Brahmanism, in protest against which it developed. Rather in every case a certain amount of mutual influence resulted from the contact; this was equally true of the relationship with lower forms of religion among less advanced peoples. Wherever Buddhist propaganda proceeded it enfolded the native deities within its own pantheon and made more or less of a compromise with the original beliefs and practises. In many cases Buddhist influence elevated and purified the autochthonous heritage, especially during the first stages of proselytism when inspiration was fresh; but the compromise often involved degeneration in Buddhism itself. Yet no one can conclude that even such corrupted forms of Buddhism as Shamanism and Lamaism will never renew their vitality. In fact signs of reawakening are visible in most of the Buddhist countries today, and Buddhism may well claim the serious consideration of the whole world.

M. ANESAKI

INSTITUTIONAL ORGANIZATION. The basis of Buddhist organization is the monastic system and the value placed upon monasticism as a way of life. In every country this system developed its own peculiar characteristics, in some cases achieving great strength. In Tibet, for instance, Buddhist monks became stronger than the secular party and the Dalai Lama is head of the state as well as of the Buddhist order. In mediaeval Japan the great monasteries threatened to become the chief military as well as the chief political power; only the destruction in the sixteenth century of some of the largest establishments restored power to secular groups.

Monasticism as the organizational basis of Buddhism derived its strength from its place in Buddhist doctrine. For while Buddhism does not deny to the layman the possibility of achieving happiness, its ideal is the monastic and contemplative life and the support of the monasteries is a duty of every lay member of the faith. The strength of this tradition has assured the spread of the monastic system without the development of central agencies and with full freedom for local variations of structure and opinion.

This emphasis on the importance of the monastic way of life Buddhism inherited from Vedism and Brahmanism. The earliest Indian reference to the religious solitary is in the *Rig-veda* (x. 136) where the *muni*, or monk, described as clad in a faded yellow robe, is shown obtaining power to pass through the air and enter the realm of the gods. Here is an indication, about 1000 B.C., of the root from which developed that yellow robed order, the most far flung and picturesque in the world; and here too can be traced the beginnings of the theory which plays a considerable part in popular Buddhism, that *tapas* or austerity gives men magic power. From this root sprang the *paribbajakas*, or friars who, usually under a chosen leader, wandered from place to place living on alms and only during the wet season went into retreat in order to avoid harming the insect life with which the earth teems during the torrential rains in India.

The Buddha was the leader of such a group. This order, or *sangha*, began very simply. The simple words, "Ehi bikkhu" ("Come, be my monk"), with which he called men of all social ranks to join him were gradually replaced by the elaborate *upasampada*, or ordination ceremony, with its declaration of faith in the "Three Gems"—Buddha, Teaching and Order—confession of sin, tonsure and other requirements. But in two collections of psalms by early followers which have come down to us there is ample evidence of the democracy and the spirit of enthusiasm in the first little group. It seems clear too that women, although with some hesitation, were admitted as nuns. The great mass of people, however, were called to a different life, yet one which centered about the Teacher. To the inner circle he offered the Middle Path which leads to *Nibbana*; to the lay people he promised rebirth in a heaven through devotion to his person. This division into monks and nuns on the one hand and lay people on the other led naturally to a division of function: the monks being "the harvest-field of merit" and the laity winning merit and progress to some heaven by gifts of food, clothes and buildings. As the friars needed a place for meditation, kings and merchants presented them with parks and monasteries; thus there came into existence the *vihara*, or dwelling place, and the *chaitya*, or shrine—each to develop from simplicity to great complexity. The bas reliefs of Barhut supplement the texts in illustrating this development. They show, for instance, a king building a monastery and a rich merchant buying a park for the monks. The edicts of Asoka (third century B.C.) indicate that the great emperor was not only their patron but gave them advice as to what they should read and warned them against the dangers of schism.

In the Bhabra Edict Asoka mentions a *vinaya*, or code of discipline. The *patimokkha* (at first a way of conduct of the sect, later a ritual of the order) seems to have been the core of such a code, to which were added rules as occasion arose. The whole elaborate system can no more be traced to the founder than can the monastic rules of Christendom be traced back to Jesus, but it seems clear that the Buddha had much more definitely in mind than did the founder of Christianity an order of monks whose aim was that experience of transcendental truth which he called *Nibbana*, and that the teaching activities of the monks, like all other things, were subordinated to this; whereas the first group of Christian disciples were sent out to preach a new social order based upon a new vision of the divine nature. It is also clear that both groups became increasingly more monastic and ascetic than either founder intended. Thus the followers of Buddhism began to meditate upon skulls and to visit burial grounds, as the followers of Jesus began to turn away from the married life and to attach an exaggerated importance to penance and suffering. In Buddhism there was, about 100 A.D., a new orientation toward a more emotional morality, a multiplication of personal deities and a higher valuation of service to one's fellows rather than the achievement of personal merit. A similar transformation of Brahmanism, visible in the *Bhagavadgita*, was occurring at about the same time. The new movement in Buddhism called itself Mahayana (the great way), and the older ascetic tradition Hinayana (the little way). Neither group supplanted the other, but it was the Mahayana movement with its appeal to the masses and its social emphasis, its more elaborate ritual and also its infiltration of popular superstitions and practise of magic that colored Buddhism in its spread throughout the Orient. Both schools have a canon, and Tibetan Buddhism, born of the blending of the Mahayana with Tantric Hinduism, has its own canon and commentaries.

With a developing Buddhology there arose a hierarchy within the monastic system. The first step in this process may be said to have occurred when the primitive *stupa* (burial mound to mark some sacred spot or enshrine some relic) was turned into an altar and the monk into a priest. The simple dirge:

Sabba dukkha	all is sorrowful
Sabba anicca	all is transient

gradually passed into an elaborate "three-part service" with chant, reading and sermon, and the head of the *vihara* became a great abbot honored by kings: the *chaitya* became an elaborate cathedral. These developments were complete within about five centuries of Gotama's death, although he is pictured emphatically insisting, as he dies, that his followers are not to appoint a successor as their chief and even refusing to make rules for their guidance. Other texts, however, show him doing both these things and in the growth of this later tradition may be seen both the process by which the elaboration of the *sangha* is accomplished and the growing veneration in which the founder is held until he becomes "God over the Gods" and the eternal *dharma*, law, embodied in time. The early distinction between the novice, *samanera*, and the elder, *thera*, developed into a hierarchy of four orders with a head abbot. It has been to the detriment of Buddhism that its monks have frequently become too powerful and that, as in Christendom, missionaries have given place to leaders or armed knights and retainers. But in each Buddhist country there is a strict or reformed sect claiming to go back to the discipline of the early *sangha*.

Buddhist monasticism has tended to resist centralized authority. The Meditative sect (*Chan* in China, *Zen* in Japan) claims a patriarchal succession with the great missionary Bodhidharma (sixth century A.D.) as twenty-eighth in succession from Kasyapa, appointed by the Buddha; but this is unhistorical and at best embodies the fact of a great succession of authoritative mystics. In many monasteries the abbot is elected for a three-year period; and each abbey foundation is a law to itself. Although Dengyo and his contemporary Kobo in the eighth and ninth centuries and Nichiren in the thirteenth sought to establish a national church, even Japan with its strong centralized government has preferred denominational allegiance. In the Shinshu sect with married priests and hereditary abbot it seems to approach greater unity, but even this sect is no more a national church than that of the Methodists of the United States, which it resembles in numbers, pietism and wealth. Buddhism, the religion of mystic enlightenment, believes in the authority of the saint rather than in that of the ecclesiastic, and when a great leader arises he is called the "Great Teacher." The monks are still in theory mendicants vowed to poverty and "clad in rags." The "rags" may be priceless brocades and the mendicant a prince —as in Christendom.

As Buddhism spread throughout the Orient, this monastic order established itself with varying strength in different countries. A typical Buddhist kingdom is that of Siam, in which the order is mildly ascetic, the dominant although not the only religion, given its place of honor by a devout people and a loyal king and in which the king's brother is Sangharaja, chief of the order. Very similar is its place in Burma and Ceylon, where its strength is shown by such magnificent monuments as the Shwe Dagon and the parks and buildings of Anuradhapura and by the fact that today it owns as much as one third of the arable land of Ceylon, and has two pagodas to every village in Burma. In China Buddhism is but one of several officially recognized religions; but here too it has not failed to gain lands and wealth.

With the rise of nationalism in modern Ceylon and Burma the numbers and prestige of the monks have increased; world weariness in China has again filled the monasteries; and throughout Buddhist countries, perhaps most noticeably in Siam, there are rising standards of scholarship among the Bhikkhus. Education has always been a Buddhist activity; the hold upon the young which this gives the monks is not being relaxed; in some centers it has been tightened by imitation of western Christian methods such as religious education, clubs and social service work.

In return for the "gift of teaching" the order continues to ask the alms of the faithful. These are usually given cheerfully by the women; but the men realize that with one son in every family a monk, as in Tibet, or with the endless building of pagodas, as in Burma, the Yellow Robe is at times a very burdensome economic liability.

Young China is making deliberate war on the monks. Modern Japan, on the other hand, looks kindly upon the order, which is not only her ally in the "pacification of Korea" but with the enhancement of land values in Japanese cities has become an economic power. There were in 1918 in Japan 71,681 temples, 117,982 priests and 5023 nuns in a population of 50,000,000. This may be compared with the figures for Ceylon with its 2,750,000 Buddhists and its 7700 monks in a total population of 5,000,000; for Burma with 75,000 monks in 10,500,000; for Siam with 93,000 monks in a population of 8,500,000; and for Tibet with 700,000 lamas in 3,500,000. Figures in China are harder to estimate as Chinese Buddhists can usually be also reckoned as Confucianists and Taoists, but there are nearly a million monks in Chinese Buddhist monasteries.

Much smaller in numbers but still influential in their austerity are the hermits. "Wander solitary as the elephant," say many passages of the Buddhist books—and these men, immured in some cave in the Himalayas or alone in the jungles of Burma, have their appeal to many to whom the sanity of Buddha's Middle Path seems too mild and reasonable. These extreme ascetics keep alive the dim hope of *Nibbana*, now accepted in all Buddhist lands as unattainable in this age. The otherworldly hermit remains to reproach the worldly monk or layman. This example cannot destroy but may spiritualize the organization of Buddhist monasticism.

K. J. Saunders

See: Brahmanism and Hinduism; Religion; Priesthood; Monasticism; Asceticism; Yoga; Sainthood; Proselytism; Sects; Atheism.

Consult: Davids, T. W. R., *Buddhism: being a Sketch of the Life and Teachings of Gautama the Buddha* (new ed. London 1903); Oldenberg, H., *Buddha, sein Leben, seine Lehre, seine Gemeinde* (Berlin 1881), tr. by W. Hoey (London 1882); Davids, T. W. R., *Buddhism, its History and Literature* (new ed. London 1926); Eliot, C. N. E., *Hinduism and Buddhism*, 3 vols. (London 1921); Thomas, E. J., *The Life of the Buddha as Legend and History*, History of Civilization series (London 1927); Coomaraswamy, A., *Buddha and the Gospel of Buddhism* (New York 1916); Davids, T. W. R., *Buddhist India* (New York 1903); *Cambridge History of India*, vol. i ed. by E. J. Rapson (London 1922) chs. vii, xx; Saunders, K. J., *Epochs in Buddhist History* (Chicago 1924); Anesaki, Masaharu, *The Religions and Social Problems of the Orient* (New York 1923) chs. i–ii; Reichelt, K. L., *Fra Ostens religiöse liv* (Copenhagen 1922), tr. by K. v. W. Bugge as *Truth and Tradition in Chinese Buddhism* (Shanghai 1927); Anesaki, Masaharu, "Quelques pages de l'histoire religieuse du Japon" in Musée Guimet, *Annales*, vol. xliii (1921) i–ix, 1–173; Reischauer, August K., *Studies in Japanese Buddhism* (New York 1917); Saunders, K. J., *Buddhism and Buddhists in Southern Asia* (New York 1923); Pratt, J. B., *The Pilgrimage of Buddhism* (New York 1928); Hardy, R. S., *Eastern Monachism* (London 1850); Dutt, S., *Early Buddhist Monachism, 600 B.C.–100 B.C.* (London 1924). See also relevant articles in Hastings' *Encyclopaedia of Religion and Ethics.*

BUDÉ, GUILLAUME

BUDÉ, GUILLAUME (1468–1540), French jurist and humanist. Budé was secretary to Francis I and later *maître des requêtes*. He was a student of archaeology, translated the works of Greek authors and wrote several treatises on linguistics. He was the first to employ philology in the elucidation of Roman legal texts, striving thus to avoid the errors of the mediaeval jurists, Glossators and Bartolists in their commentaries on the *Corpus juris civilis*. In his *Annotationes in Pandectas* (1508) he points out numerous copyists' mistakes and proposes judicious corrections. He was the precursor of the modern Romanists, who from the time of Cujas have been concerned with textual criticism and with the study of Roman law as history rather than as contemporary legislation. This method had as its ultimate result the weakening of the influence of the *Corpus juris* on the political thought of the time.

Budé's political ideas are to be found in his *De l'institution du prince* (1516), which already foreshadows the absolute character of the French monarchy. According to Budé it is wrong for the king to disregard his own ordinances but he is not accountable if he does so. The treatise *De asse et partibus* (1515), although it is devoted nominally only to the Roman monetary system, deals in reality with Greek as well as Roman monetary problems, such as the basis of division, the variation in weights, the relative value of gold and silver and the purchasing power of precious metals. It is the oldest French study in economic history and created a profound impression on its appearance.

Georges Boyer

Works: The most convenient edition is the *Omnia opera*, ed. by Coelius Secundus Curio, 4 vols. (Basel 1557).

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BUDGET

BUDGET is a term derived from the old English word *bougette*, the sack or pouch from which the chancellor of the exchequer extracted his papers in presenting to Parliament the government's financial program for the ensuing fiscal year. It has been defined by René Stourm as the "document containing a preliminary approved plan of public revenues and expenditures."

While this is a satisfactory description of the budget document, it fails to bring out the real significance of the budget system, which is to provide for the orderly administration of the financial affairs of a government. The conduct of such affairs involves a continuous chain of operations, the several links of which are: estimates of revenue and expenditure needs, revenue and appropriation acts, accounts, audit and reports. An estimate is first made of the expenditures that will be required for the proper conduct of governmental affairs during a fixed period, usually one year, together with proposals for raising the money to meet these expenditures. On the basis of this estimate revenue and appropriation acts are passed giving legal authority for the action determined upon. Following this the operating services open revenue and appropriation accounts corresponding to the items of the revenue and appropriation acts and proceed to expend the money so voted. The data recorded in these accounts are examined by the auditing and accounting department to insure their accuracy, to see that they correspond to the real facts and represent a full compliance with all provisions of law. The information furnished by these accounts is then summarized and given publicity in the form of reports. Finally on the basis of these data new estimates for the next year are made and the circuit is begun again. In this chain of operations the budget is the instrument through which the several operations are correlated, compared and examined at one and the same time. The budget is thus more than a mere estimate of revenues and expenditures. It is, or should be, a report, an estimate and a proposal: the document through which the chief executive, as the authority responsible for the actual conduct of governmental affairs, presents to the fund raising and fund granting authority a full report regarding the manner in which he and his subordinates have administered affairs during the last completed year, and a statement of the present condition of the public treasury. On the basis of such information the executive sets forth his program of work for the coming year, with proposals as to the financing of such work.

The most important feature of a budget is comprehensiveness. It must assemble in one consolidated statement all facts regarding expenditures and revenues, past and prospective, the actual financial condition of the treasury and the condition of the treasury as it will be if the proposals contained in the budget are put into execution. These facts, moreover, must be presented by means of balanced statements, so that the relations between past action and proposals for the future, between revenues and expenditures and between resources and obligations may be clearly seen. Thus the budget presents the whole problem of financing the government at one time and focuses legislative attention on the relation of the total expenditure needs to the total prospective revenues.

The fact that budgets must be made in advance of the period in which they are to operate involves some difficulties. Exigencies unforeseen when the estimates were drawn up necessitate additional expenditure, often upsetting the balance achieved by the budget. Moreover additional appropriations, while sometimes unavoidable, make possible the kind of undesirable expenditure which it is in part the object of the budget to prevent. Administrations may even resort to the trick of submitting to the legislature a budget which will easily win approval and of trying later to secure additional appropriations on the grounds of emergency, thus relying on the decreased vigilance of the legislature and sometimes on the *fait accompli* of administrative commitments to win approval for expenditures which might otherwise have been refused. Another manner of evading the budget is the transfer by operating authorities of funds from one appropriation account to another, followed by an appeal to the legislature to grant additional moneys to cover the indispensable operations of the account tapped. Most budget systems now forbid the practise of transfer and provide for control of all additional appropriations, with a view to making them undergo the ordinary budgetary procedure and thereby maintaining the balance of revenue and expenditures.

Extraordinary budgets have at times been passed in addition to the main ordinary budget, chiefly to finance war or war preparations or for such elaborate expenditures as were necessitated by the railroad building programs of European governments. These expenditures are covered by loans, and the cost of amortization is shifted to future years or generations by omitting the items from the ordinary budget. Whatever justification this procedure may have in cases of dire necessity it has been abused by classifying as extraordinary items which are really not extraordinary, in order to create an impression of economy by not overloading the ordinary budget. In most countries this practise has in recent years been practically discontinued. Similarly the practise of omitting from the main budget activities expected eventually to yield comparable return (e.g. industrial bounties or subsidies) and of covering the expenditure by loans for the repayment of which no provision is made in the budget has proved unfortunate in numerous cases when the expected revenue has failed to materialize. Such operations can be properly controlled only by means of the ordinary budget.

Other items which escape accounting in the ordinary budget are expenditures connected with revenue producing services, of which the postal service and railroads are typical. For administrative reasons such services are generally autonomous subsidiary corporations, and separate budgets cover the finances of each; these are tied into the main budget only by noting the net result, profit or loss, of the whole year's operations.

The conception of the budget as the central instrument of financial direction and control is a comparatively recent development. In England and on the continent the use of the budget as a financial program, emanating from the executive and submitted to the representative assembly for approval, was chiefly the outgrowth of the demand that no financial burden be imposed upon the people without their consent expressed through their representative assembly. In England the right of such financial control is very old, having been specifically extracted from both King John and Edward I. It was violated occasionally by the Tudors and was a crucial point in the struggle between Parliament and the Stuart kings culminating in the civil war of 1642–49 and the revolution of 1688. The accession of William and Mary and the passage of the Bill of Rights settled finally the exclusive right of Parliament to levy taxes and to authorize expenditures. Similar struggles were experienced in America and France, also culminating in revolution, and after 1789 the principle of parliamentary control of finances spread over Europe. Although *Voranschlagen* were known as early as the fifteenth century in Prussia and were made public as early as 1688 complete budgets did not come into existence in Germany until the early nineteenth century constitutions of Bavaria, Saxony, Württemberg, Hessen and Baden confirmed the ancient legislative right of consent to taxation. The main revenue and expenditure figures were made public in Prussia in 1821 to bolster up public credit, and constitutional rule brought a *Staatshaushalt-Etat* to that country in 1850; but as late as 1862 Bismarck, unable to agree with the Landtag on finances, could still assume for the royal administration the power to act alone lest the inability to reach a compromise stop the life of the state. Austria adopted a budgetary system in 1766, but full legislative control of finances did not come until after the fall of the Hapsburgs in 1919.

In these struggles interest centered on revenue rather than on expenditure. The budget as first used was little more than the means of controlling the raising of revenue from the people, and comparatively slight attempt was made to set up any control over the expenditure of the funds. Gradually, however, the principle was developed that the popular assembly should control not only the raising of revenues but the purposes to which such revenues should be devoted. Viewed in this broader aspect the use of the budget may be said to have had its beginning in England about the time of the revolution of 1688, and in France and other countries of Europe at the time of the French Revolution of 1789.

Since this principle of securing from the executive a formulated financial and administrative program had become firmly established in all the leading countries of Europe early in the nineteenth century and represented such a manifestly desirable device, it is remarkable that it was not adopted in the United States until the beginning of the twentieth century. Prior to that time little or no attempt had been made to distinguish between the two operations of formulating and taking action upon a financial program; both were considered as parts of the function of the legislative branch. Although the several administrative services were generally required to submit to the legislature so-called estimates of their expenditure needs, these represented merely individual requests for funds. The essence of a budget system, that is, a program proposed by the chief executive in which there is a balancing of the two sides of the account with recommendations regarding both expenditures and the means of financing such outlay, was wholly lacking.

The first move to correct this condition of affairs was made in municipal government. In the efforts to improve municipal administration special attention was given to the demand that municipalities put the administration of their finances upon a budgetary basis. In the model municipal corporation act, drafted under the auspices of the National Municipal League in 1899, a section was inserted which provided that: "it shall be the duty of the Mayor . . . in each year to submit to the Council the annual budget of current expenses of the city, any item in which may be reduced or omitted by the Council; but that the Council shall not increase any item in nor the total of said budget." This provision, though a step in the right direction, indicates that at that time there was no clear conception of the function of a budget. It does not require the submission of recommendations regarding the means of financing proposed expenditures, or a balancing of income with expenditures to show the effect of the proposed expenditure program on the financial condition of the government, or a comparison of proposed with past expenditures so that the purport of the program may clearly be seen. This provision, however, marks the beginning of an increasing appreciation of the proper nature and function of a budget and a steady progress in the adoption of proper budgetary systems by municipal governments in the United States.

From the municipalities the movement for the adoption of a budget system passed over to the states. Beginning with California and Wisconsin in 1911 and Massachusetts in 1912 practically every state of the union has now made some provision for the formulation and use of a budget. The movement to establish a budgetary basis for the national government received its impetus from the recommendations of the President's Commission on Economy and Efficiency, created in 1910 by President Taft. This commission prepared two reports on the subject which had great effect in bringing to the attention of the public the importance of budgetary reform, not only in the case of the national government but in that of all government bodies.

The work thus inaugurated was taken up by the Institute for Government Research, created in 1916, which prepared and secured the adoption by Congress on June 10, 1921, of a bill providing for a budget system. At the same time the two houses of Congress revised their rules of procedure governing the handling of appropriation measures so as to bring them into harmony with the new system thus created. This act, known as the "Budget and Accounting Act, 1921," together with the amendment of the rules just cited, provides for what is probably the most complete budgetary system existing in the United States, if not in the world.

First and foremost it vests in the president the sole responsibility for requesting the grant of funds by Congress. Annually he must submit to a regular session of Congress a document to be known as a budget, in which shall be set forth in detail: first, the condition of the Treasury at the end of the last completed fiscal year, the estimated condition of the Treasury at the end of the year in progress and the estimated condition of the Treasury at the end of the ensuing year if the financial proposals contained in the budget are adopted; second, the revenues and expenditures of the government during the last completed fiscal year and the estimated revenues and expenditures during the year in progress; third, the provisions which in his opinion should be made for meeting the revenue and expenditure needs of the government during the year to ensue; and fourth, such other financial statements and data as he considers necessary or desirable in order that Congress may have before it all the information required to determine the administrative and financial policies of the government in the future. To make this responsibility of the president still more definite the act further provides that no estimate or request for an appropriation or the increase of an estimate or any recommendation as to how the revenue needs of the government shall be met shall be submitted to Congress, or any of its committees, by any administrative officer unless at the special request of Congress or one of its houses.

A second important feature lies in the fact that the president is given an organ of general administration through which he can meet this added responsibility. This organ, known as the Bureau of the Budget, which is located in the Treasury Department but actually functions as an independent service directly attached to the office of the president, has as its primary function the duty of receiving, compiling and criticizing estimates of expenditure needs as they emanate from the spending services. On the basis of the information thus compiled for him the president determines the recommendations that he will submit to Congress in his budget. It is, furthermore, the duty of the bureau "to make a detailed study of the departments and establishments for the purpose of enabling the President to determine what changes, with a view to securing greater economy and efficiency in the conduct of the public service, should be made in (1) the existing organization, activities and methods of business of such departments or establishments, (2) the appropriations therefor, (3) the assignment of particular activities to particular services, or (4) the regrouping of services." The bureau thus has the continuing task of informing itself regarding the organization and operation of the government in order that it may consider intelligently requests of the operating services for funds and recommend to the president action that will put the government upon a more economic and efficient basis.

The passage of this act represented but part of the action required in order to put the administration of the financial affairs of the national government upon a proper budgetary basis. The law would largely have failed to accomplish its purpose had it not been accompanied by an equally revolutionary change in the method of handling financial proposals as provided for by the rules of the two houses of Congress. This change did away with the old vicious system under which the expenditure needs of the government were considered by nine different legislative committees, each working independently of the other and without reference to any general financial program. Thenceforth all jurisdiction over expenditure was vested in a single committee of appropriations in each house. At the same time the form of the appropriation bills was radically changed so as to bring together all the items of appropriation pertaining to the several departments, bureaus and other operating units of the government, thus securing a centralization of responsibility and an orderly arrangement of items for consideration of financial proposals similar to that which had been brought about in respect to their formulation by the budget act.

The new system thus established does much more than merely provide for an improved technique in the formulation and consideration of financial proposals. It has modified the whole system of national administration. Indeed it may be said to have affected profoundly the political system itself. It has brought about a greater change in the character of the office of the president than any which has occurred since the first organization of the government. It has made the president the working head of the administration in fact as well as in name. The budget serves as his plan of operations, determining what and how work shall be done and by which arm of the operating services; as such it is comparable to the report of the general manager of a business house to his board of directors. It has radically altered the relations between the president and Congress on the one hand and between the president and the administrative departments and establishments on the other. In the purely administrative field it has changed a condition of affairs in which the individual services largely went their own ways, considered their own interests and paid little attention to general needs, to one in which they are subject to that measure of central direction, supervision and control that is essential to a subordination of special to general interests, a coordination of efforts and a uniformity in procedure that are imperative if efficiency and economy in operation are to be secured.

The budget system of the United States government has profoundly influenced budgetary procedure in the states and their political subdivisions. The systems of the states, however, vary widely in character. Their most fundamental differences appear in the selection of the organ or agency that shall be responsible for the formulation of the budget. Those states which have gone the farthest in the way of reorganizing their administrative branches by grouping their services in departments have tended to follow the federal budget system of placing responsibility for the formulation of the budget directly upon the governor, and giving to him an agency through which he may meet this responsibility. Some states have entrusted the making of the budget to an ex officio administrative board and others to a board on which members of the two houses of the state legislature are represented. These systems are undergoing constant modification, the trend being to bring them more and more into harmony with the federal system.

The most recent development in the movement for budgetary reform in the United States is toward strengthening the power of the chief executive so that he may control the execution of the budget after it, or rather the appropriation acts based upon it, have been enacted. This takes the form of requiring the approval of the chief executive or some central agency acting for him before contracts or other obligations may be entered into or new activities undertaken, and in giving to the chief executive or his central agency the power to prescribe systems of business procedure. The tendency is, therefore, to make the chief executive increasingly responsible not only for formulating a budget but for its effective execution.

The American federal system is strictly analogous to that of England where the formulation of the budget is concerned, although the American budget document itself is far superior in its technical arrangement and presentation of data to the English budget. The two systems are, however, radically different in respect to the principles governing the handling of the budget by the legislative branch. In England, as a result of the Parliament Act of 1911, the upper house has no power to modify the budget except when the lower house is willing to accept such modification. Furthermore the rules of procedure of the House of Commons provide that no proposal for the expenditure of funds will be considered unless it originates with the ministry; nor will any motion to increase a grant requested by the ministry be entertained. The powers of the House are thus restricted to the reduction of appropriations as proposed by the ministry and to the general consideration and criticism of such proposals. Even the power to reduce is theoretical rather than actual, since the ministry, with its parliamentary majority, can usually defeat such a motion. The result is that in England the executive formulates as well as determines the action upon the budget. As a consequence of this the consideration of the budget in Parliament tends to be perfunctory, and criticism relates mainly to matters of policy rather than to the technical expenditure needs of the government. Some five sixths of the revenue and six sevenths of the expenditures are even fixed by continuous law and do not go through the ordinary budgetary process. This has been the subject of considerable complaint in England, many critics arguing that in effect the submission of estimates never allows direct control over expenditure proposals, and that many estimates in which changes might have been justified emerge from the parliamentary process untouched.

In the United States, Congress retains full power to modify budgetary proposals, a power that can be and is exercised by both houses. For this reason the work of considering and taking action upon the budget constitutes one of the most important tasks of Congress. Elaborate hearings are held by the Committee on Appropriations of the House, and to a less extent by the Committee on Ways and Means of the Senate, for the purpose of determining the justification for the grant of funds requested; and amendments providing for an increase as well as a decrease in appropriations are made while the appropriation bills are under consideration on the floor of the two houses. Differences between the houses are adjusted through a conference committee.

Thus in America requests for funds are considered by both an executive agency (Bureau of the Budget) and a legislative agency (Committee on Appropriations), while in England only the Treasury has power to give requests effective consideration. The American system has proved as satisfactory as the English system in keeping down appropriations (during the seven years that the system has been in force no instance has occurred in which Congress has appropriated a larger total than that asked for by the president); and in addition to eliminating the evils of legislative initiative in making estimates it retains the advantage of effectual legislative consideration of executive proposals. The two systems, it should be noted, are in strict conformity with the political systems of which they are a part. The English principle of responsible government requires that the ministry's will shall prevail in respect to financial as well as other legislative proposals; while the American principle of the separation of powers requires that the final determination shall rest with the legislative branch.

In France each minister prepares an estimate for his department. The minister of finance summarizes them, adds an estimate of revenues drawn up solely by his department and drafts the budget message. Constitutionally his authority is no greater than that of any other minister, and he can do little to control their estimates other than make general recommendations of economy. The distrust of the executive, characteristic of the French legislature, is expressed in budgetary procedure by the reservation of full rights to amend ministerial estimates up or down. Until 1900 French deputies could introduce amendments on their own initiative and even today this power has not been entirely removed. Through its power of initiating the budget the lower house dominates the upper in France, the latter often being deprived of any real opportunity to examine the budget because of the late date on which it is passed by the Chamber.

The German budget system, as laid down by the Weimar constitution, contains a number of unusual features. The minister of finance enjoys special powers in drawing up estimates, and when he has the chancellor's support he can veto requests of his other colleagues. He thus acts as a sort of controller general. The upper house exercises more authority than its counterpart in most other countries, and when it has the support of the president of the republic it can override the lower house. The special powers which under Article 48 of the Weimar constitution may be assumed by the president in "emergency" situations were recently (July, 1930) used to dissolve a Reichstag which had failed to reach an agreement on the budget. The budget systems of colonial dependencies are in various stages of evolution in respect to both the separation from the budget of the homeland and the principle of legislative control. Perhaps the chief indication that they have outgrown colonial status is that the British self-governing dominions make and execute their own budgets. Whatever the legal fiction may be, real colonial budgets imply the dominant control of the home government. In India the budget is that of "the Governor General in Council," and although the Indian legislature discusses it, the lower and relatively popular house has no control over it. Even the Governor's Council, in which officials and nominated members are a majority, must bow to the will of the chief executive, who is responsible only to the home government. Both the Philippines and Porto Rico have budgets of their own; but again the colonial legislature is subject to the wishes of the executive, especially since each statute provides for the renewal of the current budget in case of failure to pass a new one. Thus the administration, controlled by the home government, enjoys a supreme advantage in negotiating budgetary legislation with the colonial legislature.

W. F. Willoughby

See: Revenues, Public; Expenditures, Public; Public Finance; Local Finance; Municipal Finance; Financial Administration; Accounts, Public.

Consult: General: Stourm, René, *Le budget* (7th ed. Paris 1913), tr. by T. Plazinski (New York 1917); Jéze, Gaston, *Traité de science des finances* (Paris 1910).

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Other Countries: Willoughby, W. F. and W. W., and Lindsay, S. M., *The System of Financial Administration of Great Britain* (New York 1917); Mallet, B., *British Budgets 1887–88 to 1912–13* (London 1913); Mallet, B., and George, C. O., *British Budgets, Second Series, 1913–14 to 1920–21* (London 1929); Buchholtz, P., *Grundriss des Haushalts- Kassen- und Rechnungswesens in Reich, Staat und Gemeinde* (Mannheim 1924); Neumark, F., *Der Reichshaushaltplan*, Finanzwissenschaftliche und Volkswirtschaftliche Studien, no. 16 (Jena 1929); Dobbert, G., and Witt, O., *Das einheitliche Staatsbudget der U. d. S. S. R.*, Finanzwissenschaftliche und Volkswirtschaftliche Studien, no. 17 (Jena 1930); Miller, R. C., "Budgets of Western European Countries," United States, Department of Commerce, Bureau of Foreign and Domestic Commerce, *Trade Information Bulletin no. 222* (Washington 1924); Villard, H. G., and Willoughby, W. W., *The Canadian Budgetary System* (New York 1918); Radlauer, E., *Finanzielle Selbstverwaltung und Kommunalverwaltung der Schutzgebiete*, Abhandlungen aus dem Staats- und Verwaltungsrecht, no. 20 (Breslau 1910).

BUDIN, PIERRE (1846–1907), reformer of obstetrical practise and education in France, creator of infant welfare centers. As a young obstetrician in the Paris hospitals he succeeded in gaining for his colleagues a rank and prestige equal to that of other physicians and surgeons. In later years, as professor of obstetrics, president of the Société Française Obstétrique and editor of *L'obstétrique*, he contributed to the safeguarding of maternity by affording medical students for the first time the opportunity of gaining practical obstetrical experience in the course of their training. But Budin is chiefly important because by inaugurating a modern system of scientific care of infants he was instrumental in lowering the high infant mortality rate in France. Distressed by the ignorance of the mothers in caring for their babies after birth, Budin opened in 1892 his first "Consultation des Nourrissons" at the Charité hospital in Paris and began his campaign against the great waste of infant life caused by gastroenteritis. Babies were brought each week for weighing and examination, and for those who could not be breast fed the clinic distributed sterilized milk sealed in bottles containing the proper amount for each feeding. The results were so gratifying that similar centers were established elsewhere in Paris and, after the formation of the League against Infant Mortality in 1902, were extended to all parts of France. In his book, *Le nourrisson* (Paris 1900), Budin made available the knowledge gained from his experiences in the infant welfare centers. His work has proved a great incentive to the present systems of child welfare.

René Sand

Consult: Bar, P., in *L'obstétrique*, vol. xii (1907) 97–107.

BUFFER STATE. This term is often used to describe a weak state, small in size, probably without a positive foreign policy of its own, which lies between two or more powerful states and thus serves to inhibit international aggression. Such a state may be a result of historical accident, as in most historic cases. Or it may conceivably be the deliberate creation of the neighboring larger states or of a wider international concert; it seems impossible, however, to indicate any definite example of such a procedure, and perhaps it is more accurate to say that a buffer state is recognized and maintained as such by international agreement after it has come into existence by natural growth. With the development of powerful national states, especially in Europe, this practise has to some extent gained favor, although it cannot be said to have attained any general or well recognized status as a device in international relations. The policy which it represents has thus far been followed chiefly in connection with the maintenance of the balance of power.

In order to insure the continued existence of the buffer state its independence may be guaranteed by agreement among the neighboring states. Such an arrangement may be carried further and the territory of the buffer state may be formally "neutralized," i.e. rendered immune to invasion and utilization as a theater of war. If, however, the neighboring states wish to reenforce such an agreement by any restrictions upon the power of the buffer state to formulate and follow a foreign policy of its own, to maintain armaments, to engage in military action or to carry on any other independent activity, its consent must first be obtained. It may be worth while for the buffer state to accept the restrictions in consideration of the presumably greater security which it is to obtain by the guaranty. In any event the buffer state is compelled by circumstances to maintain relatively non-aggressive and neutral relations with its neighbors, since its position is difficult and dangerous at best.

Belgium presents the clearest and most familiar example of a buffer state; another example is the Netherlands, although it stands less directly in line between Germany and Great Britain than does Belgium between Germany and France. The position of Luxembourg is similar to that of Belgium, and Switzerland occupies a highly important buffer position among her neighbors, Italy, France and Austria. The Baltic states and especially Poland, as well as Rumania and the Balkan states, have in the past, and do still to some extent, served as buffers between Russia or Turkey and central European powers. Great Britain has to some extent utilized Persia and Afghanistan as buffers between Russia and India; another example in Asia is, perhaps, Manchuria which, however, is not an independent state. In South America Uruguay and Ecuador may be regarded as buffer states although the absence of very aggressive foreign policies among the states of this continent makes their position less important.

The history of the past century does not augur well for the possible value of the buffer state as a deliberate device for the maintenance of international peace. It has proved impossible to create an independent Rhineland between Germany and France because both of these states have been unwilling to yield territory for this purpose. Moreover the buffer state is not easily persuaded to surrender its rights under circumstances which normally allow active foreign policies to be maintained and to rely upon an international guaranty or neutralization which may prove ineffective in time of need. It is likely to prefer alliance with one of its powerful neighbors and thus to disturb the balance of power. Where the buffer state exists naturally it may serve a useful purpose, but even here the situation is delicate and difficult for all concerned. In the past the force of national foreign policy and military aggression has been too strong, and international protection too weak, to render secure or stable the situation of even the guaranteed buffer state. Neutralization of restricted areas, portions of buffer states or frontier zones, may prove to be more satisfactory, but the elimination of international aggression would seem to be the only effective remedy for threatened attack by one state upon another.

Pitman B. Potter

See: Boundaries; Frontier; Neutralization; Balance of Power; Aggression, International; Neutrality.

Consult: Hershey, A. S., *The Essentials of International Public Law and Organization* (rev. ed. New York 1927) §109, and references there cited.

BUFFON, GEORGES LOUIS LECLERC, Comte de (1707–88), French naturalist. With his appointment in 1739 as intendant of the Jardin du Roi at Paris Buffon's studies, which had hitherto remained diversified, received direction and purpose; ten years later he began the publication of the *Histoire naturelle* (44 vols., Paris 1749–1804; in *Oeuvres complètes*, ed. by Pierre Flourens, 12 vols., Paris 1853–55), with which he was to be occupied throughout the remainder of his life. Buffon approached his task with the objectivity of a pure scientist, aiming to collect and synthesize the scattered facts of natural science known to his day. This objectivity was in part responsible for his position of high authority among his contemporaries, who carried over many of his ideas to the sphere of social thought. To Buffon man was no more than a link in the animal series; while life in society favored the exceptional development of man's intellectual and moral faculties, these had their origins in sensations and instincts not radically different from those of other animals. He affirmed the unity underlying the diversity of human races, maintaining that all variations could be explained as the effect of purely physical and external causes. Modern students have seen in these ideas, as well as in certain of Buffon's observations on animals in general, indications that he glimpsed the notion of biological evolution. His theory of man was restated by the *encyclopédistes* and integrated with the psychological theories of Condillac; thus Buffon considerably affected the early development of anthropology. Another important influence on eighteenth century thought issued from Buffon's geological theories, set forth in his *Époques de la nature* (published as vol. v of supplement to *Histoire naturelle*, 1779; separately published Paris 1892). The doctrine that geological time could be divided into epochs separated by great catastrophic disturbances was applied to human history. Supplementing and modifying the system developed by Bossuet in his *Discours sur l'histoire universelle*, it furnished the basis for eighteenth century philosophies of history—notably Voltaire's *Essai sur les moeurs*.

René Hubert

Consult: Flourens, Pierre, *Buffon, histoire de ses travaux et de ses idées* (2nd ed. Paris 1850); Académie des Sciences Morales et Politiques, *Séances et travaux*, n.s., vol. xix, pt. i. (1883) 378–88 and 683–95; Badey, Lucien, "Buffon, précurseur de la science démographique" in *Annales de géographie*, vol. xxxviii (1929) 206–20.

BUGEAUD DE LA PICONNERIE, THOMAS ROBERT, Duc d'Isly, (1784–1849), French soldier, politician and colonial administrator. Bugeaud was one of Napoleon's Imperial Guard, with a long military record. He was retired to his Périgord domain after the second restoration of the Bourbons and acquired a reputation as a scientific agriculturist. The July Monarchy brought him into politics, and as a deputy his voice was often heard on behalf of military, protectionist and agricultural interests. His greatest work was in the pacification of Algeria, which was begun in 1836. Within four years he had driven the Arab raiders up to the fringe of the Sahara. His contribution to colonial policy was his conversion of his soldiers into colonists. Colonization "by sword and plow" was his aim, and his rule as governor general (1841–47) was the most fecund period of Algerian colonization both in the number and variety of his experiments; his policy of cooperating with the Arabs was half a century in advance of his era. But as time went on he emphasized the military element of his plan more and more, because the lack of discipline among time-expired men and private settlers provided no safeguard against the Arab forays. Droughts combined with the opposition of the civilians to weaken his plan, and finally the French government, always lukewarm about his schemes, refused the necessary credits, and he resigned. Despite the anticlimax he had broken the power of the Arab emir, Abd-el-Kader, had colonized a new province for France, had revived the faith in Algeria shattered by the native revolts and had bequeathed a theory of military colonization to his fellow countrymen and to the British. "Père Bugeaud," as he was known, became a legend in French Africa, and although his reputation with his contemporaries was rather mixed his influence remained. His writings cover colonial, military and economic topics.

Stephen H. Roberts

Consult: D'Ideville, H., *Le Maréchal Bugeaud*, 3 vols. (Paris 1881–82), abr. tr. by C. M. Yonge, 2 vols. (London 1884); Demontes, V., *La colonisation militaire sous Bugeaud* (Paris 1916); Ferrand, G., *La colonisation militaire du Maréchal Bugeaud, 1841–1847* (Paris 1909).

BUGENHAGEN, JOHANNES, (Pomeranus) (1485–1558), German educator and leader in the Protestant Reformation. Bugenhagen was born in Pomerania and studied at Greifswald. After a successful career as rector of a Latin school at Treptow he joined Luther in Wittenberg in 1521 and became professor of theology and pastor. In 1528 began the period of his constructive activity for the sound establishment of Protestantism in northern Germany. His fundamental contention was that the success of the Reformation depended on the intelligent and educated support of the people. In a series of ordinances (Brunswick 1528, Hamburg 1529, Lübeck 1531, Pomerania 1535, Denmark and Norway 1537, Schleswig-Holstein and Hildesheim 1542 and Brunswick-Wolfenbüttel 1543), in which he laid down the principles for the organization of the church, he therefore assigned an important place to education. He consistently urged as the duty of parents and of civil and ecclesiastical authorities the maintenance of elementary and Latin schools as well as schools for girls and, in the later ordinances, rural schools. He advocated a definitely articulated system of education and a radical improvement in the status of all teachers, recommending not only adequate salaries but support in sickness and old age. His vision did not stop with schools for the young; in several ordinances he suggested the organization of *Lektoria*, in part as preparation for the universities, in part for adult education in theology, philosophy, law and medicine. For the masses periodical expositions of the Bible and catechism were to be given in the churches.

I. L. KANDEL

Works: Bugenhagen's church ordinances are given in Richter, A. L., *Die evangelischen Kirchenordnungen des 16. Jahrhunderts*, 2 vols. (Leipsic 1871), and his school ordinances in Vormbaum, Reinhold, *Evangelische Schulordnungen im 16., 17. und 18. Jahrhundert* (Gütersloh 1860–64).

Consult: Hering, H., *Doktor Pomeranus, Johannes Bugenhagen* (Halle 1888); Krüger, *Johann Bugenhagens Wirksamkeit für die Schulen Niederdeutschlands* (Annaberg 1881); Rost, J. R., *Die pädagogische Bedeutung Bugenhagens* (Leipsic 1890); Mühlmann, Carl, *Bugenhagen als Schulmann* (Wittenberg 1901).

BUILDING AND LOAN ASSOCIATIONS and their English counterpart, building societies, are cooperative or quasi-cooperative institutions engaged in financing through mortgage loans the building and purchase of houses. The use of the word "building" is probably accurate for the very early societies but misleading when applied to most of these organizations at present. Although the modern associations developed from one original type found in eighteenth century England they exhibit a multiplicity of differences in methods of organization and operation. In a sense the existing differences represent merely various stages of development, which proceeded as a gradual organic adaptation to changing conditions. It is characteristic of these societies that throughout their history they were not influenced by deliberately constructed programs based on social or economic theories and that they have taken root in English speaking countries only. On the continent analogous needs of moderate or small income families have been met by land mortgage banks, general cooperative credit organizations, cooperative housing and building associations which often retained ownership of the buildings, and by various forms of government aid to housing.

Building associations and societies are defined at one extreme as mutual cooperative financial institutions and at the other as private corporations for profit. Mutuality was one of the original basic principles of these organizations. Its persistence to the present time is due only in part to its high repute; favorable legislation, particularly exemption from certain types of taxation, has been an important contributing cause. The decline in mutuality is evidenced not so much by the number of associations remaining faithful to it as by the decreasing rigor of its application. During the early stages the relations between the associations and their members were strict and exclusive. The transactions of the associations were confined to members, and shareholding was the only way of participating in the benefits the association might afford. On the other hand members were tied to the association by heavy engagements. Membership implied not only regular payments for a considerable length of time but also the risk of losses, which could make these obligations practically indefinite. Moreover, a member could not cancel his membership and withdraw his shares before maturity without incurring heavy penalties. His interests were thus sacrificed to those of the association, and the more mutual an association the more the association overshadowed the individual. It is in the manner of treating members that the process of modernization is best revealed. It is as easy to become a member of a large modern building association as to withdraw; members' obligations are minimized and are becoming strictly defined. At present the association, far from being served by its members, undertakes obligations toward them. Thus the difference between a mutual and a non-mutual association is disappearing. Both deal with "customers"; both offer a certain service. There is a trend in modern associations to reduce membership to a mere formality corresponding with the tendency for dividends more and more to resemble fixed interest rates. The "membership share," for a long time the keystone of building association business, while still retaining its old form performs more of the functions of the deposit. In spite of the various legal definitions and provisions still in force "investing members" are in increasing numbers becoming depositors or investors; and since loans in many associations are no longer repaid by maturing shares, "borrowing members" have ceased to be interested in the affairs of the association and are coming to resemble ordinary borrowers. Thus as a result of growth old specific practises and principles of "building and loan" are disappearing and these organizations are following other financial institutions and adopting up to date business methods.

Another instance of the modification of early building association principles is found in the transition from the terminating to the permanent plans. All the early associations and societies were of the terminating type and within this form of organization many of the specific practises of the present associations were forged. In the old terminating association, often styled "building club," the members subscribe to shares of stock of the association ("instalment" or "membership shares") and make regular contributions (dues) on each share until it reaches its "matured" or par value (frequently $200 each). Then the association is "terminated" and the assets divided among the members. The first American association, the Oxford Provident Building Association of Philadelphia County founded in Pennsylvania in 1831, was of this type. "In this primitive association there was only a single series of stock issued. . . . At the regular monthly meetings of the shareholders, held in the evening, the dues were paid in . . . and the funds received were offered in open meeting and the right to a loan sold to the highest bidder. . . . In the event no one wanted to borrow, parties holding shares upon which no loans had been made were compelled to become borrowers. These were called 'forced loans' " (quoted from an address by Seymour Dexter in Clark and Chase, p. 459–60). The terminating plan is not in common use in the United States at present. It is still used by some three hundred small societies in England and is also found in the British dominions, especially in New South Wales where it is still the most popular type. The only country in which terminating societies are forbidden seems to be Canada, where they were prohibited by law in 1900.

The first permanent type introduced was the serial plan, which until recently was that most commonly used in the United States; it is still in general use in Pennsylvania, New Jersey, Illinois and Massachusetts. The serial plan repeats the main features of the terminating plan, but instead of using a single group of shares the serial association offers new groups or "series" of shares for sale at periodic intervals, annually, semi-annually, quarterly, monthly. "It is in a sense an association of an indefinite number of associations of the terminating type, each series in turn going through the processes of starting, functioning to maturity and then disappearing as its loans are liquidated and its 'free shares' retired" (Clark and Chase, p. 39). The serial plan is found only in the United States.

Other varieties of the permanent plan which developed from the serial type are the regular permanent and the Dayton permanent plans. Associations using the regular permanent plan issue shares not in series at stated periods but at any time. Each shareholder has an independent account and his shares start and are matured without being grouped with others. The regular permanent plan seems to be a transition from the serial to the Dayton permanent, which is more correctly styled the optional payment, plan ("deposit shares"). Under this plan payments are not restricted to the regular dues; each member may pay in any amount at any time or may suspend making payments. This plan is becoming the most common and is used by all the larger institutions in the United States and in England. Thus is indicated the gradual disappearance of the principle of compulsory regularity in the payment of dues on instalment shares. This principle applied for generations made the building associations a stern school of thrift. However, its application was accompanied by many abuses in connection with penalties (fines, forfeitures, withdrawal and membership fees) used to enforce regularity. The abuses are now being gradually eliminated and at the same time the principle is falling into abeyance.

In addition to the instalment shares many associations in the United States issue fully paid up stock, thus departing still further from the original terminating-mutual type of building association. The outstanding type of this issue is the "guaranty stock" permitted by some state laws. It derives its name from the fact that the capital obtained through its issue is used to guarantee dividends on other shares and other liabilities of the association. Earnings in excess of liabilities accrue to the benefit of the guaranty shareholders and the latter exercise control over the association's affairs. Thus the functions of the guaranty stock are identical with those of the capital in a bank. This plan is used by an increasing number of associations in California, Kansas, Oregon, Texas, Utah and, with some modification, in several other states. The guaranty and the serial plans may be considered particularly characteristic of the American development, the former representing in a sense the last stage of modernization and the latter being the most orthodox of the specific "building and loan" methods.

The "local principle," which is a specific feature of American development, is also being gradually abandoned, although not as rapidly and radically as the others. The early institutions were all local just as they were terminating—not on principle, but because it was natural for an organization to be formed by people who had specific needs and who were bound by neighborhood ties. The limitation of membership to a restricted locality became a "principle" after the failure of the "national" building associations in the nineties. So great was the reaction in public opinion caused by the "national fiasco" that in spite of the disappearance of the old national associations there is still a hostility against this type of organization. In most of the states associations incorporated in another state ("foreign") are restricted, and in some states they are still prohibited. Most associations restrict their mortgage operations to one state, county or other limited territory. For instance, one of the largest associations in the United States and a perfect example of a modern mutual building association, the Railroad Co-operative Building and Loan Association of New York, with assets exceeding fifty-five million dollars, confines its mortgage service to a fifty-mile radius. The law of New York state formerly placed this limitation upon the associations, but a recent change permits loans to be made within one hundred miles of the association's home office. During recent years the process of centralization and concentration has been gaining ground. Many associations, especially of the guaranty type, have established branches in their own and in other states. There is also a tendency toward amalgamation among some of the numerous small associations and among some of the guaranty type associations, especially in California, a tendency toward consolidation of control through holding companies. Moreover, there are developing new methods of cooperation between associations, which do not interfere with the local principle. The Land Bank of the State of New York, established in 1914 as a semi-public institution, is an interesting experiment in this direction. Associations in various states are creating special reserve systems for their own use. In California the Building-Loan Federation was established in 1928. In Ohio, through the Ohio Building Association League, associations have created a fund of two million dollars placed with New York banks, which makes available for emergency a credit of ten million dollars. In Florida there has been organized a Building and Loan Reserve Association for a similar purpose. An important project designed to bring about coordination among the associations throughout the country on lines similar to the Federal Reserve system is under discussion.

In England, with its strong, highly centralized individual societies, nothing has as yet been done to create special reserve systems. There is less need for them since, in the absence of legal limitations as to territory served, the larger societies operate all over the country. The largest English society, the Halifax Building Society, which was created by a recent amalgamation, has assets of about $300,000,000, representing something like one fifth of the total assets of all societies in England. This society has more than 350 branches and is far larger than any single American association. The tendency toward centralization combined with a large number of dissolutions of terminating societies is responsible for the rapid decrease in the number of English societies, whereas in the United States the number of associations is increasing from year to year.

Building and loan associations function as savings institutions and as home financing agencies; in both fields they have attained and preserved a distinct place. In the savings field they developed in competition with savings banks specialized methods of attracting funds and secured a special clientele. However, with the increasing tendency of building associations to sell their instalment shares upon virtually the same terms as ordinary deposits and with the spreading of the guaranty plan in some parts of the United States, the difference between building associations and savings banks is diminishing. Their chief attraction for investments, as compared with savings banks, is the higher rate of profits which they pay. But this difference too is becoming less marked, since the tendency among the associations is to lower the rate of interest charged to borrowers with a corresponding decline in the rate of earnings.

In the lending field, building associations specialize in mortgage loans on the instalment plan for the acquisition and building of houses, especially small residences. Perhaps one of the most important reasons for the absence of these associations on the continent is the prevalence there of housing in tenements as contrasted with the English and American preference for small, single family houses. For many years building associations were virtually the sole agencies for first mortgage loans on small residences and are still representative of what is called by R. T. Ely "the American method of acquiring a home." They succeeded in making this class of mortgages a sound investment and are meeting with increased competition on the part of insurance companies and other financial institutions controlling large funds. As a result there is a growing recognition of the necessity of extending to borrowers better service and easier terms.

In England and in most of the states of the United States no legal limitations are imposed as to the kind of real estate that may be accepted as security for a loan, but most associations lend only on dwelling houses and give preference to owner-occupiers. The loans are usually repayable by uniform monthly or weekly instalments of principal and interest spread over a period of years (usually from five to fifteen years). This system permits the lending of a larger proportion of the property value as the amount advanced is reduced with every periodical payment. The margin between the value of the property and the amount of the loan required by American associations varies greatly. In some states loan limitations are imposed by law. In England the amount of the loan is usually limited to three fourths of the value of the property; however, local authorities are empowered by the Housing Act of 1923 to give guaranties enabling building societies to lend under certain conditions up to ninety percent of the valuation of houses. Some insurance companies issue guaranties for the same purpose (mortgage guaranty scheme). In recent years the combination of life insurance with the amortization of mortgage loans is becoming popular in both England and America.

The social significance of building and loan associations, as well as their position among other financial institutions, rests upon the peculiar way in which they combine saving and lending features. They have succeeded in stimulating new sources of thrift and in making additional funds available for housing. Their usefulness was best tested during the period of extraordinary housing shortage following the World War. The rate of growth of building associations in this period exceeded that of other financial institutions and was quite different from their own previous experience. The development in the United States is presented in the table below:

Year	Number of Local Associations	Membership (in Millions)	Assets (in $1,000,000)
1893	5,598	1	473
1913	6,429	3	1,248
1918	7,484	4	1,898
1923	10,744	7	3,943
1928	12,666	12	8,016

In England, too, building societies started their golden age after the war. Within the last ten years they have increased their assets about three times and have more than doubled their membership. In 1929 there were in England about one thousand societies with a membership of about a million and a half; they held assets amounting approximately to £300,000,000. It is estimated that about 1,800,000 families in the United States and about 500,000 in England are financing their homes through building associations and societies. The existence in England of municipal housing and the granting of municipal mortgages to owner-occupiers, and the absence of both in the United States, are factors to be considered in comparing these figures.

The distribution of building associations, their success and growth, vary considerably from state to state and from locality to locality within the state territory. Pennsylvania with 4272 associations and $1,340,000,000 assets headed the list for the year 1928 as for previous years. Ohio was second with more than one billion assets. Next came New Jersey, Massachusetts, Illinois, New York, Indiana and California. These states combined have far more assets than the associations in all the other states. The highest rate of growth in assets during recent years was shown in the newer sections of the country. During 1927 Texas showed an increase in assets of 30.8 percent and California of 27.2 percent. In England building societies are especially strong in Yorkshire, where the few largest societies are located. The highest rate of growth during recent years is shown in the London area.

In the early stages building associations and societies were not incorporated and were not subject to legislation. The first American act relating to building associations was passed in Pennsylvania in 1850. At present most of the states have special laws providing for the organization and supervision of building associations. The existing legal provisions vary from state to state and contribute to the lack of uniformity in the practises of building associations. Moreover, these laws are subject to frequent revision. The main object of these enactments is to combat the attempt of speculative promoters to exploit building associations for their own benefit; they are also designed to eliminate such abuses as the imposition of exorbitant fees, fines and forfeitures. Supervision is exercised by state officers through the examination of the books of the associations and of their periodical reports. In England building societies are under the Building Societies Act 1874–94, and the supervision is exercised by the Registrar of Friendly Societies.

The building associations and societies are organized into a number of leagues and institutes for the protection of their interests and for the maintenance of standards of service. In the United States there exist several state leagues and the United States Building and Loan League, formed in 1892. The corresponding body in England is the National Association of Building Societies founded in 1869. In 1922 the American Savings, Building and Loan Institute was established for educational and research purposes. The leading organs are the *American Building Association News*, published monthly since 1880 in Cincinnati, and the *Building Societies' Gazette*, established in 1869 in London.

Outside of the English speaking countries "building and loan" methods are little known. An attempt to introduce them was made in Germany by the establishment of *Bausparkassen*. The first institution of this kind, Bausparkasse der Gemeinschaft der Freunde, started business in a little village, Wustenrot, in 1924. In 1929 it had mortgage assets of about $20,000,000 representing savings of people anxious to build their homes. The success of this example induced many others in Germany and also in Austria to follow. At present the continental type of building associations is still in the making. So far the main difference between the *Bausparkasse* and the English or American association lies in the absence of voluntary investors in the former: *Bausparkassen* accumulate all their funds from prospective borrowers. A feature of the most recent development was that some German savings banks controlled by public authorities were induced by the success of the private associations to establish similar institutions of their own. Owing to the exceptional housing stringency felt in many countries and to the difficulties experienced by the existing agencies in coping with the financial aspect of the problem, it is possible that building associations' methods may become better known and more widely used.

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See: HOUSING; COOPERATIVE HOUSING; COOPERATION; LAND MORTGAGE CREDIT; SAVINGS BANKS; THRIFT; CREDIT COOPERATION; REAL ESTATE.

Consult: Block, Alexander, "Bauspargenossenschaften" in *Wohnung*, vol. ii (1927–28) 101–07, 146–52, 184–87, 209–14, 289–97, 350–53, and vol. iii (1928–29) 109–14, 175–79, 184–90, 269–76, 290–300; Block, Alexander, "Das genossenschaftliche Prinzip bei den amerikanischen Bausparkassen" in *Wohnung*, vol. iv (1929–30) 62–65, and "Das locale Prinzip bei den amerikanischen Bausparkassen" in *Wohnung*, vol. iv (1929–30) 162–67, and "Das Bausparen in der amerikanischen Volkswirtschaft" in *Wohnung*, vol. iv (1929–30) 268–74, 344–46, 370–73; Clark, Horace F., and Chase, Frank A., *Elements of the Modern Building and Loan Association* (New York 1925); Rosenthal, Henry S., *Cyclopedia of Building, Loan and Savings Associations* (5th ed. Cincinnati 1923); Endlich, G. A., *The Law of Building Associations* (2nd ed. Jersey City 1895); Sundheim, Joseph H., *Law of Building and Loan Associations* (2nd ed. Philadelphia 1922); Dexter, Seymour, *A Treatise on Cooperative Savings and Loan Associations* (2nd ed. New York 1894); United States, Bureau of Labor, *Building and Loan Associations*, Annual Report of the Commissioner of Labor, vol. ix (Washington 1894); Pranard, Charles, *Étude sur les building associations américaines* (Paris 1907); Bodfish, Morton H., *Money Lending Practices of Building and Loan Associations in Ohio* (Columbus 1927); Piquet, Howard S., *Building and Loan Associations in New Jersey* (Princeton 1930); U. S. League of Local Building and Loan Associations, *Proceedings* of the annual meetings published since 1893 in Cincinnati; Bellman, Harold, *The Building Society Movement* (London 1927); Hodgson, Leonard G., *Building Societies; their Origin, Methods and Principles* (London 1929); Wurtzburg, E. A., *The Law Relating to Building Societies* (5th ed. London 1920); Great Britain, Office of Registrar of Friendly Societies, *Building Societies*, vols. i–xviii (1895–1912), and annual *Report*, part D for the years 1913–23 and part V since 1924; *Building Societies Yearbook*, ed. by George E. Franey, published annually in London since 1927.

BUILDING REGULATIONS comprise laws, ordinances and rulings designed to guard the safety, health and welfare of persons in and about buildings. As constituted today they represent the results of experience through many years and in many countries.

From the sticks and stones of the savage to the towering heights of the modern skyscraper is an evolution in construction in the course of which men have been forced to sacrifice a certain amount of private independence in the interest of public safety. Buildings of primitive times, representing as they did an individualistic working out of the application of available materials to the purpose in hand, namely, protection from the elements, presented few construction problems. This was particularly true of nomadic tribes. With more settled conditions, however, there came inevitably the need for preventing injury to one's neighbors caused by selfishness, ignorance or incompetence.

Building regulations are by no means a modern phenomenon. They reach back into the roots of civilized history wherever people have settled down in towns and cities. The Civil Code of Hammurabi, which dates back to about 2100 B.C., has a passage as follows: "If a builder build a house for a man and do not make the construction firm, and the house which he has built collapse and cause the death of the owner of the house, that builder shall be put to death." Therein lies the principle which has become fixed in our building regulations today—that they exist to prevent injury and not, as some well meaning persons would have it, to confer a benefit.

In China building regulations can be traced back to at least a thousand years before the Christian era and these ancient regulations are said to be influential in preserving much of the construction in that country as it was three thousand years ago. Height, depth and breadth of buildings, the number of courts and similar details were all covered.

Thickness of party walls and other municipal regulations are to be found in the laws of the Roman emperors. Particularly did these rulers appreciate what sanitation means to a great city. The stringency and thoroughness with which laws regarding private sewers were covered are apparent from the *Corpus juris civilis* of Justinian. These excellent sanitary regulations and some of the other regulations disappeared in the chaos of the Middle Ages, to reappear in later times after some terrible lessons had been taught by pestilence.

Rather detailed regulations as to party walls, gutters and sanitary precautions appear in Fitz-Elwyne's Assize, which is the pioneer English building act. This was ordained in 1189 in the reign of King Richard I. It provided legal means for ensuring fairness and proper enforcement. London, seared by the great conflagration of 1666, took steps in its building regulations to make such events less likely in the future. Present day London regulations date from the laws of 1894; since then some modifications have been made to cover modern conditions.

Sometimes regulations have proved to be in advance of their time, as was the case with that promulgated by George Washington in 1791 to the effect that the outer and party walls of all houses within the city of Washington should be of brick or stone. The hampering effect of this regulation upon those of moderate means caused its suspension soon afterwards.

Early building regulations in the United States dealt with rather simple questions and in simple terms. The delineation of fire limits, thickness of walls and similar matters comprised all that was deemed necessary. Construction was relatively simple in type, the weight of buildings and of their contents being transmitted by girders or beams to solid masonry walls and thence to the foundations. Walls were required to be progressively thicker toward the lowest story in order to carry the accumulated weight of the structure above. Requirements were generally phrased in terms of thickness rather than in allowable stresses. Such construction reached the natural limit in height at from six to ten stories, partly because of the fact that the increasing thickness of walls left insufficient room on the lower floors and partly because tenants refused to walk up beyond a certain distance. In the latter part of the last century the coming of the elevator and of the skyscraper type of construction, in which loads were carried on a steel framework and the walls merely served to shut out weather, caused a revolution in construction methods. Naturally old time regulations failed to cover such innovations and had to be modified to keep in step with progress.

The skyscraper is generally credited with arriving in the eighties, but did not push its way to extreme heights for some time thereafter. Its construction was predicated on engineering principles demanding rather intricate mathematics, and the regulations concerning it bore strange contrast to the simple requirements for its wall bearing predecessors. Not long thereafter a new type of construction based upon a combination of concrete with steel reenforcement began to forge ahead and came into full prominence in the beginning of the present century. Here again engineering formulae had to be developed and applied in controlling a type of construction for which there was no precedent. Building regulations have thus tended toward greater complication as the inevitable result of new inventions. As a further illustration of the effect of modern inventions there may be cited the application of electricity to lighting and other functions in buildings. This is a development mostly of the last half century, and dealing with it meant the evolving of regulations for something which did not exist, except on an experimental scale, within the memory of men now living.

Originally there grew up a trilogy of basic reasons for controlling construction: protection against fire, to prevent the public calamity of conflagration and to conserve life; insurance of structural strength, to prevent collapse with consequent personal injury; and guarding of incoming water and outgoing wastes from buildings, to prevent spread of disease. It will be noticed that all this is done to prevent injuries, and little thought is required to see the instant application. Extensions have come with modern inventions. Electricity has to be guarded and controlled in its course through buildings; boilers and elevators have to be inspected. Beyond these rather obvious extensions, however, have come some which have fought their way through to general acceptance because of their demonstrated application to human health and welfare. Of such is zoning. The coming of high buildings has increased the problems of proper light and ventilation—subjects which are just beginning to be covered adequately. Fortunately science has stepped in at the right moment to demonstrate the health giving qualities of sunlight and has furnished something more than a sentimental or purely legalistic reason for preventing one man from appropriating more than his fair share of what rightfully belongs to all.

Other currents are flowing toward the general stream, perhaps fated to disappear before merging with it, perhaps destined to eat their way through legal obstacles. Control of the aesthetic features of buildings takes its place in these. A few attempts have been tried at it; others are in contemplation. It is true, however, that many regulations of primarily utilitarian purpose, principally the zoning ordinances, have had the indirect effect of considerably influencing the appearance of buildings.

Back of all building regulations, giving them force and vitality, stands the police power. It is a power inherent in the states and usually delegated to some extent to the municipalities when their charters are granted. Some state governments exercise this power freely, passing laws which go into considerable detail. Others adopt a more flexible method such as providing for an administrative board which is empowered to draw up and enforce regulations. Still others are content with only meager legislation on the subject, leaving the towns and cities to adopt ordinances as they think best. Sometimes the county is the unit which prepares and enforces the building code. Wherever state legislation exists it takes precedence over local enactments, which may be more detailed and restrictive but may not negative anything in the state law. Enforcement is usually a local affair, although state factory, tenement, school house and hotel inspectors are not uncommon, and state officials occasionally work side by side with local authorities.

As they stand today regulations on fire limits and fire protection, strength of materials and structural members, and assumed loads in design constitute the bulk of building codes. Sometimes found in the same documents but frequently enforced by other departments than the building department are the plumbing and electric codes and regulations concerning the inspection and maintenance of elevators, boilers and other building equipment. Regulations concerning where particular types of occupancies may be located, maximum heights of buildings and percentage of lot area that may be covered by buildings appear in the zoning ordinances. Overlapping building and zoning ordinances in some of their provisions are state and local housing acts which are concerned chiefly with provision for proper lighting, ventilation and sanitary facilities. Sometimes their provisions apply only to public and semi-public buildings.

There are also the host of acts bearing in some way upon building construction in which working or living conditions in factories, tenements, schools, hotels and similar structures are guarded. It is thus apparent that there is a broad range of interest and diverse methods of application contained in contemporary building regulations.

In the United States there is wide divergency in requirements upon a given topic in the building codes of different localities. With no central organization to formulate requirements each political subdivision has adopted what is desired, using such information as was available at the particular moment. In other countries, where centralization of government sweeps away the complexities arising from the delicate relations of nation and state, country-wide codes are possible and common. Japan, for instance, has such a code for building construction.

While uniformity in building requirements is highly desirable from the standpoint of both safety and economy it does not necessarily follow that all requirements can be stated in the same terms throughout the country. Minor variations must of necessity persist because of peculiar local conditions. For instance, experience with earthquakes in certain sections will dictate certain precautions which would not be justifiable where such phenomena are of rare occurrence. Similarly the prevalence of tornadoes and hurricanes determines unusual measures in some localities. Regulations have suffered, however, from the tendency to produce requirements by copying those of other cities, which may not have been correct in the first place. Some curious regulations are still found today in certain codes which have apparently survived in this manner long after the regulations in the original code from which they were copied have been corrected. Uniformity is in the main both desirable and possible. In stress requirements, for instance, there is no apparent reason why the same grade of steel should not be permitted the same stress under given conditions without regard to locality. Equally possible is the use of uniform minimum live load assumptions.

Perhaps the most important application of uniformity from the standpoint of the architect and contractor doing business on a nation-wide scale is the manner of presenting code requirements. A uniform method of doing this would save many hours of groping for complete information and would tend to better observance of regulations because of better familiarity with them. When requirements are selected with no regard for consistency and with no resemblance to methods of presentation in other codes, even the builder seriously desirous of observing the law may run afoul of it because he has missed some point. As matters stand now, long hours of conversation with building officials must be held to determine points which could readily be looked up and observed if they were properly presented in the code. Present day tendencies in building codes, however, are undeniably toward a greater degree of uniformity in requirements. Lethargy of legislative bodies will continue to be responsible for obsolete and obsolescent requirements in some instances, but public insistence on common sense methods of protecting public safety will sooner or later prevail.

The time may soon be expected when there will be little dispute about the facts to be used. There appear to be developing two opposite methods with regard to the statement of requirements. One which is prominent for the moment depends upon a rather detailed treatment with explicit directions amounting almost to a specification. Its merit is that there is little room left for argument between a building official and a recalcitrant builder. Its inherent weakness appears to be too great rigidity in presenting requirements, and holding down the competent and skilled designer to the level of the mediocre man in order that there may be no possibility of failure.

The other method of treatment is general in tone. It lays down results rather than methods, states what performance should be expected of each structural part or what general principle should be observed and leaves it to the skill of the designer and builder and the vigilance of the inspector to see that results are obtained. Its great virtue is in giving the public the advantage of new processes, new materials and new developments in scientific thought, stimulating rather than inhibiting progress. It does not drag down the good architect and engineer to the dead level of the mediocre man in the profession. New materials are automatically admitted to use on satisfactory proof to the building official that they are capable of performing the function for which they are intended. A possible defect of this type of regulation is that in stating results rather than methods it places too much trust in the enforcement officials. The truth is that no code, however carefully drawn and however complete, can hope to cover every possible contingency, but must leave many points to the discretion of building officials. It is better to maintain a well paid and intelligently manned building department with broad discretionary powers than to deprive the public of the best design that it is possible to obtain.

The hampering influence upon architectural and engineering design of inflexible code provisions is illustrated by stress requirements. In some communities they are obviously based upon crude conceptions of earlier years when accumulations of testing data were not available and a factor of safety of large but unknown amount was used. Today it is possible to design with greater assurance in the light of rich stores of basic information. Yet the skilled designer is frequently prevented from taking advantage of this situation. While revolutionary developments in construction do not occur frequently new materials and processes are being developed daily. Welding of steel members in place of the ear splitting riveting now customary may serve as an example. It should be the function of good building regulations to recognize such developments when they prove themselves, without the necessity of obtaining sanction from purely legislative bodies. In times past, efforts to introduce worthy new materials have met with open or covert opposition because the promoters of older materials with strong vested interests feared the new competition and had sufficient political influence to exclude the newcomer. The public was thus deprived of the economy to be derived from new processes.

It would be profitable for a community to scrutinize its building code provisions at regular intervals—probably five years is not too short a period—to see that everything is as it should be. Especially is this true in times of mounting costs of construction when more efficient ways of utilizing materials may be sanctioned which will encourage construction that would not otherwise be undertaken. Obsolete and unscientific requirements are responsible for a greater amount of hindrance to city growth than is commonly suspected. Anything that tends to keep construction costs up or to discourage the full application of skilled architectural and engineering talent tends to divert construction to more receptive territory and creates a differential in building costs between such communities and more progressive ones. The other side of the picture of course is of even greater importance, for neglect of precautions against conflagrations and epidemics may have disastrous consequences.

The local enforcement of building regulations is entrusted to an official variously termed by such titles as "Superintendent of Buildings," "Building Commissioner," "Building Inspector." Enforcement of zoning regulations as well as those contained in the building code usually rests with this official. Customs differ with respect to regulations regarding boilers and electric wiring. In some cities these form subordinate branches of the building departmen while in others they are independently administered. A favored administrative procedure with regard to plumbing is to place enforcement either directly in the Board of Health or in an official responsible to that body. In some localities electric inspection is done by representatives of insurance interests, a measure of rather dubious legality.

Enforcement is sometimes paid for by a sliding scale of permit fees, occasionally supplemented by fees for inspections. As a general rule permit fees do not pay entirely for the expenses of the department. In some instances, however, they bring in much more revenue than is used for inspection purposes and this has occasioned considerable question as to the wisdom of using the building department to swell the general funds of the city. The argument is presented that building owners must pay taxes on their property and that any charges beyond those necessary to pay for inspection are unjustified. Many municipalities make no charge of any sort, the expenses of the administration being paid for out of the general funds of the city. Still a third method of handling the matter is to require the owner of a building to employ a resident inspector whose salary is provided by the owner. This inspector is required to furnish to the building department satisfactory evidence of his qualifications and to make frequent reports on the progress of the work. The building department is supposed to check the quality of his inspection and can revoke his authority to conduct inspection if it finds him incompetent. Usually this type of inspection is confined to buildings of considerable size or to special types of construction.

As might be expected the quality of building inspection is extremely variable. In a good many small communities it is of a very informal sort and the rigidity of inspection is determined very largely by the character or qualifications of the person willing to accept a generally unremunerative job. Local politics and pressure of influential material industries are often factors in determining the grade of enforcement. Many larger communities, however, have well organized departments manned by able administrators, although salaries of inspectors are not always of such size as to command the continued services of well qualified individuals. Large cities have elaborate organizations, often with differentiation in duties. One man, for instance, will specialize in checking plans, another in inspecting reenforced concrete and a third in determining the condition of elevator apparatus. Thoughtful building inspectors have made tentative attempts at defining a measure of quality of building inspection, but this study is in its infancy. Such conditions as geographic area to be covered, topography, prevailing types of construction and effect of political pressure have to be considered in arriving at even a tentative conclusion. It is not improbable that a standard can be arrived at whose worth can be determined experimentally. The finding of some method of gauging the manner in which the safety of construction can be assured is of obvious importance to the public.

A significant development is the rise of organizations of professional and scientific men or of manufacturers of building materials. These have worked earnestly toward producing sound standards for utilizing the various materials that enter into construction. The roster is a long one. Mention of such organizations as the American Society of Civil Engineers, the American Society for Testing Materials, the American Society of Heating and Ventilating Engineers, the American Concrete Institute, the American Institute of Steel Construction, the National Lumber Manufacturers Association and the National Fire Protection Association merely touches upon this aspect of the subject. Testing of materials has assumed an ever growing importance and the accumulation of data has furnished a basis on which many structural requirements may be determined. As before, mention can be made of only a few of the places where such tests have been made, but those conducted at the Watertown Arsenal, Columbia University, the Underwriter's Laboratories and the Bureau of Standards at Washington are of special importance. The amount of work fundamental to building regulations is steadily increasing at the last named institution because the public turns to it more and more for authoritative information. In a number of cases interested organizations have acted jointly to produce recommendations designed to be acceptable to all. Instances are the work of the Joint Committee on Standard Specifications for Concrete and Reinforced Concrete and the preparation of the National Electrical Code.

Interest in all phases of building regulations has been quickened in recent years by private and governmental agencies which have studied the fundamentals of the subject and have prepared suggestions to serve as a guide to better requirements. The Department of Commerce through its committees on building codes and on city planning and zoning has provided a focal point for the assembling of fact and opinion and their interpretation by nationally known experts. The first of these committees has issued five reports dealing with various subjects commonly covered in building codes and a subcommittee has issued another report on plumbing. These reports, which contain recommended minimum requirements suitable for use in state and municipal building or plumbing codes, have found a wide field of usefulness. The work of the committee dealing with zoning and city planning has resulted in reports on "A Standard State Zoning Enabling Act" and "A Standard City Planning Enabling Act" which have been equally influential in shaping sound legislation.

The National Housing Association has concerned itself with the promotion of ideals of better housing. The Building Officials Conference and its western counterpart, the Pacific Coast Building Officials Conference, have labored diligently in the encouragement of sound building requirements. Zoning, scarcely heard of a dozen years ago, has leaped into prominence. Tenement legislation in New York has come in for rigid scrutiny by a committee of experts. All signs point toward a tightening rather than loosening of restrictions placed upon individual freedom in building. In the process, however, requirements are becoming fairer, more scientific and better adapted to the needs of our present civilization.

Today some eight hundred and fifty cities, towns and villages in the United States have zoning ordinances and about the same number have building codes. In well ordered communities these legal measures control virtually everything that rises above the ground and very much of the contents of such structures. Exploration of their somewhat forbidding terms offers an enlightening example of the regulation of selfishness, ignorance and incompetence in the interest of the community as a whole.

George Norwell Thompson

See: Construction Industry; Housing; Fire Protection; Sanitation; Ventilation; Industrial Hygiene; City and Town Planning; Zoning; Municipal Government.

Consult: Burton, Frank H., "A Concise History of Building Codes" in *Engineering and Contracting*, vol. lxviii (1929) 82–85; "Fitz-Elwyne's Assize of Buildings," tr. by A. T. Riley with introduction by C. W. Tooke in *National Municipal Review*, vol. xvii (1928) 555–63; Thompson, G. N., *The Preparation and Revision of Local Building Codes*, Municipal Administration Service, no. 2 (New York 1927); Upson, L. D., *Practice of Municipal Administration* (New York 1926) ch. xiii; Fairlie, J. A., *Municipal Administration* (New York 1901) p. 175–80; McBain, H. L., *American City Progress and the Law* (New York 1918) ch. iv; Miller, R. P., "Architectural Law: The Standardizing of Building Codes" in *The Architectural Forum*, vol. xlviii (1928) 147–50; United States, Department of Commerce, Division of Building and Housing, *Zoning Progress in the United States*, published periodically since 1926; United States, Department of Commerce, Advisory Committee on Zoning, *A Standard State Zoning Enabling Act* (rev. ed. Washington 1926); United States, Department of Commerce, Building Code Committee, *Recommended Practice for Arrangement of Building Codes* (Washington 1925); Building Officials Conference, *Proceedings of the Annual Meeting*, published since 1917; Mendelsohn, Walter, "Exercise of the Police Power for Aesthetic Purposes" in *Yale Law Journal*, vol. xxx (1920) 171–74.

BUILDING TRADES. *See* Construction Industry.

BŪKHĀRI, MUHAMMAD IBN ISMĀʿĪL AL- (810–70), Arabic scholar and collector of the Traditions of Mohammed. By Būkhāri's time it had become an established practise to refer all questions of conduct to the precepts and example of Mohammed and accordingly the sacred science of Tradition had developed. The materials with which it worked were the sayings of Mohammed, transmitted orally, and its problem was to sift out the authentic from the spurious and to restore them as nearly as memory and human accuracy would permit to their original form. The very title of Būkhāri's great work, *Al-jāmi ʿal-Ṣaḥīḥ*, meaning the "authentic collector," attests his conscientiousness. At an early age he began his travels through the countries of Islam, visiting learned men in all the great cities and writing down the traditions he heard from them. His book is systematically divided into a great number of short chapters, each one preceded by a brief preface showing what practical conclusions are to be deduced from the traditions cited therein. He gives the texts literally as he heard them from his teachers and precedes each text with the full "chain" of traditionists who have related it, if possible down to the Prophet. In some cases there are also short critical observations. The traditions deal with all problems of ritual, juridical, dogmatical and ethical matters discussed in the days of Būkhāri, and are still held as a pattern of authority in the Moslem world.

Th. W. Juynboll

Works: *Les traditions islamiques*, tr. from the Arabic by O. Houdas and W. Marçais, 4 vols. (Paris 1903–14), containing an introduction and biographical note by O. Houdas.

Consult: Goldziher, Ignaz, *Muhammedanische Studien*, 2 vols. (Halle a.S. 1889–90) vol. ii, p. 234–45; Lammens, H., *L'islam, croyances et institutions* (Paris 1926) p. 79–91, 256–57.

BUKŠEG, VILIM (1874–1924), Croatian labor leader. In his early travels as journeyman typographer Bukšeg came into contact with the labor movement in his own country and in other European states. After 1900 he became one of the leaders of the movement in Croatia, particularly in the spheres of syndicates and workers' insurance. He worked for the centralization of both these activities, serving first as secretary of the central office of the syndicates and in 1909 as chairman of the chief insurance treasury. Even the last years of his life were devoted to the extension of workers' insurance, particularly in his capacity as director in chief of the central office for workers' insurance in Jugoslavia.

Although throughout his career Bukšeg devoted himself principally to the economic and administrative aspects of the labor movement he was engaged in political activities as well. Especially after 1900 and during the Serb-Croatian struggle against the coercive regime of the Hungarian, Khuen Hedervary, he contributed often to the socialist press of Vienna, Berlin and Budapest. As head of the Croatian socialist party he worked for the rapprochement of Jugoslavian and Balkan socialists. He suffered imprisonment several times for his articles and manifestations in the cause of political freedom. After the World War he served as councilor for social welfare in the provincial government at his native Zagreb and as food minister in 1921. For several years after the war Bukšeg was president of the Workers' Federation of Jugoslavia.

Dragoljub Jovanović

BULGARUS. *See* Four Doctors.

BULL, PAPAL. Papal bull is a generic term commonly applied to letters emanating from the papal chancery. The word comes from the leaden seal (*bulla*) which was attached to the document by linen or silk threads. It carried on one side the representation of Saints Peter and Paul and on the other the name of the reigning pope. In course of time the term came to be applied to the document itself, although there is no official sanction for this. The term bull is not employed by the papal chancery. These letters are frequently designated according to their content as follows: constitutions, addressed to the whole church and pronouncing on matters of faith and discipline; encyclicals, letters of instruction addressed to all Catholic bishops or at times to bishops of certain states; decrees, rules of general utility for the church; decretals, decisions in a particular matter but of which the solution may serve as a general rule.

Not all papal letters are strictly bulls. From the middle of the fifteenth century many of the papal letters took the form of the brief, in which the leaden seal was replaced by one of wax, by which the folded ends of the parchment were fastened together. Ultimately this wax seal was superseded by a stamp in red ink bearing the same device, that of the fisherman's ring. The bull still continued for certain types of documents, e.g. for pronouncement of doctrinal decisions, sentences of canonization, promulgation of general indulgences and territorial reorganization of local ecclesiastical divisions. This discussion will include both bulls and briefs.

Bulls are written in Latin. Until the eleventh century the material employed was papyrus; since then parchment (sometimes paper for the briefs) has been employed. Until the pontificate of Leo XIII bulls retained much of their archaic form, being written in a special script (the *bullatica*) extremely difficult to decipher. Briefs have regularly been written in Roman script. The peculiar style of the bulls, their script and methods of authentication were adopted and for long retained in part at least as a precaution against the constant danger of corruption of the text or forgery, which were common throughout the Middle Ages especially prior to the thirteenth century. Innocent III (1198–1216) devised elaborate rules for the detection of forgeries and insisted that local prelates should be trained to judge the genuineness of the document. But this by no means ended the abuse. Even in recent times serious works have continued to carry the allegation that in 1456 Callistus (Calixtus) III promulgated a bull anathematizing Halley's Comet.

Papal bulls, of which there are unbroken registers covering the last seven hundred years, together with rich remains from preceding centuries, constitute a most valuable source for the history both of the papacy and of Europe. The earliest papal letters were of a semi-private character addressed chiefly to individual bishops throughout Christendom, offering advice, encouragement, admonition or censure and rendering decisions on points of doctrine or discipline. They were most often written in reply to definite queries on the part of members of the clergy. With the development of the papal monarchy, however, they early assumed a more public and oecumenical character and from the time of Hildebrand (Gregory VII, 1073–85) have become public documents of the greatest importance. They form the most considerable element in canon law and as such have had an important influence upon the development of legal theory more particularly in the Middle Ages. Through them the pope promulgates laws for all Christendom. Their significance was great, especially in the period prior to the emergence of the strong territorial state when the papacy played a decisive role in the political history of Europe. Reference to the registers of any of the popes of the thirteenth century will indicate the wide diversity of the problems dealt with in these documents. They reflect in a marked degree the political and social, as well as the religious and ecclesiastical, life of Europe.

Since the church is a universal institution, theoretically unlimited by arbitrary lines drawn to mark off one state from another, the pope has quite naturally assumed the right to communicate freely and directly with all Christians under whatsoever government they may live. In the Middle Ages the growing territorial state frequently saw in this an infringement of its sovereignty. By the fourteenth century, therefore, several European states had limited the promulgation of papal bulls within their boundaries. The case of England may not be entirely typical of such action, but will indicate its general character. As early as the eleventh century William I is said to have introduced the principle that all papal letters addressed to persons in England must be seen by him before their delivery. This policy was continued by William II and Henry I, but it later fell into disuse. As a war measure, in his struggle with Thomas à Becket, Henry II absolutely forbade the bringing in of papal missives. This action was only temporary, but English kings regularly insisted that papal letters which might be considered prejudicial to the law or their prerogative be delivered to themselves. The Statute of Praemunire (1393), for example, made it a crime for anyone to purchase or otherwise to secure from the pope a bull or instrument that would in any way injure the king or the realm. As a result of the break with Rome, Elizabeth in 1571 issued an unconditional prohibition of papal bulls. The kings of France from the late thirteenth century restricted the free entrance of bulls into that country, and the same was true in Portugal. Similar action was taken more slowly in Germany. In every case these laws were directed against bulls of political import.

As examples of bulls certain famous papal letters of political or social significance may here be noted. In the struggle between Philip IV of France and Boniface VIII the latter promulgated three important bulls: *Clericis laicos* (1296) forbade the taxation of the clergy by the state without papal consent; *Ausculta fili* (1301) recalled Philip to his obedience to the pope and his duty to the church; and *Unam sanctam* (1302) embodied the highest claims to ecclesiastical and temporal supremacy ever advanced by any pope. In the struggle with heresy and schism the bull *Ad exstirpanda* (1252), issued by Innocent IV, systematized the procedure of the Inquisitorial Courts in dealing with heretics; by the bull *Exsurge domine* (1520) Leo X condemned forty-one propositions of Luther and threatened the arch-heretic and certain of his friends with excommunication if they refused to recant; the bull *Unigenitus* (1713), promulgated by Clement XI under strong pressure from Louis XIV, condemned the Jansenists. An illustration of the position of the pope as an international arbiter is afforded in the series of three bulls promulgated by Alexander VI in May and September of 1493, establishing a "line of demarcation" in settlement of the rival claims of Spain and Portugal to recently discovered lands in the New World. But these bulls indicate also the weakness of the pope as international arbiter, since in the following year the two states concerned, independently of papal authority, established a new line by treaty.

More recent pronouncements of the papacy which have important social bearing are the encyclical *Quanta cura* (1864) and the accompanying so-called *Syllabus of Errors*, wherein Pius IX condemned the more liberal social, political and intellectual tendencies of the age, and the encyclical *Pascendi* (1907) by which Pius X declared war on "modernism." The most widely influential and interesting pronouncement of the papacy in social matters, perhaps for all time, is the encyclical *Rerum novarum* promulgated by Leo XIII in 1891. In this the pope took a stand against socialism, while at the same time he suggested principles looking toward the amicable settlement of the conflict between labor and capital, declared that every working man should receive a living wage and upheld the right of laborers to combine.

AUSTIN P. EVANS

See: PAPACY; CANON LAW; CHURCH; CONCORDAT.

Consult: Giry, A., *Manuel de diplomatique* (Paris 1894); Pflugk-Harttung, Julius von, *Die Bullen der Päpste bis zum Ende des zwölften Jahrhunderts* (Gotha 1901); Poole, R. L., *Lectures on the History of the Papal Chancery down to the time of Innocent III* (Cambridge, Eng. 1915); Tardif, Adolphe, *Histoire des sources du droit canonique* (Paris 1887); Richter, A. L., *Lehrbuch des katholischen und evangelischen Kirchenrechts* (8th ed. Leipsic 1884–86). The best known collection of bulls is the so-called *Magnum bullarium romanum*; the basis of this is the edition of Carolus Cocquelines (*Bullarium magnum seu novissima et accuratissima bibliotheca apostolorum constitutionem*, 28 vols. in folio, Rome 1739–62), which included bulls from the pontificate of Leo I (440) to the pontificate of Benedict XIV (1758). For a calendar of papal bulls to 1304, see Jaffe, Philipp, *Regesta pontificum romanorum ab condita ecclesia ad annum post Christum natum MCXCVIII*, 2 vols. (2nd ed. Leipsic 1885–88), continued by Potthast, August, *Regesta pontificum romanorum inde ab anno post Christum natum MCXCVIII ad annum MCCCIV*, 2 vols. (Berlin 1874–75). The complete registers of the popes of the thirteenth and fourteenth centuries are being published under the auspices of the École française de Rome. Modern bulls will be found in *Acta sanctae sedis*, vol. i–xli (Rome 1865–1908), continued as *Acta apostolicae sedis*, vols. i–xx (Rome 1909–28). The concordats between the papacy and the various governments are collected in *Raccolta di concordati su materie ecclesiastiche tra la santa sede e le autorità civile* (Rome 1919); the volume, published anonymously, is by Angelo Mercati.

BULLER, CHARLES (1806–48), British parliamentarian and reformer. He was born in India and educated at Harrow, under the private tuition of Thomas Carlyle, and at Trinity College, Cambridge. In 1830 he succeeded his father as member of Parliament for a Cornwall pocket borough.

Influenced, in his earlier years at least, by the philosophy of Bentham, he was an advocate of parliamentary, poor law and other reforms. He rendered his greatest service, however, in the field of colonial affairs, in which he became interested about 1833. Taking advantage of the opportunity offered by the Canadian crisis a few years later he became chief secretary of Lord Durham's mission of 1838. Lord Durham's memorable report has been attributed to Buller, although the latter disclaimed the story and the weight of evidence is against it. Buller did much, however, to secure the endorsement for its principles. He urged a liberal colonial policy and the control of emigration for the amelioration of conditions in the mother country and the development of overseas possessions. *Responsible Government for Colonies* (n. p. 1840, reprinted in Wrong), an anonymous pamphlet embodying reform doctrines, which is generally attributed to Buller, is important in the documentary history of the evolution of the British commonwealth of nations. At the time of his death he was the recognized parliamentary authority on colonial matters and was on the way toward a cabinet post.

W. A. Robinson

Consult: Wrong, E. M., *Charles Buller and Responsible Government* (Oxford 1926).

BULLIONISTS. The name "bullionists" is applied to a school of economic writers of the sixteenth century; they are sometimes called the "early mercantilists" but are in reality quite distinct. Their starting point was the importance assigned to bullion. Thus Clement Armstrong states ("A Treatise concerninge the Staple [1530]," in Pauli, R., "Drei volkswirthschaftliche Denkschriften aus der Zeit Heinrichs viii von England" in *Göttingen Gesellschaft der Wissenschaften Abhandlungen*, vol. xxiii, Göttingen 1878): "The hole wealth of the ream is for all our riche commodities to gete out of all other reamys therefor redy money." So in *Gemeine Stymmen von der Müntze* (Leipsic 1530) we read, "Reichtumb, das ist Gelt." The fullest statement is found in Milles, *The Custumer's Apology* (n.p. [1601]): "Though money were the beames and exchange the very light, yet bullion is the sonne: though money were the rudder and sterne of all our shipping, and exchange the compasse, yet bullion is the pilot: though money be the blood in the body trafficke, and exchanges the spirit, yet bullion is the chylus." In a later work, *The Misterie of Iniquitie* (London 1609), he says: "for as by goodnes men first become happy, both soveraignes and subjects, the same fixt in Bullion, makes men to be kings, and kings to be Gods."

In the endeavor to increase the stock of bullion the writers and statesmen were agreed on five measures: restriction on the import of ephemeral luxuries; prohibition of the export of bullion, with the array of searchers, customers and comptrollers; the staple towns with their mints, coyners, hostelers and the like; the statutes of employment, providing that money received on sales of imports be "employed" on the purchase of native commodities; and official control of the exchanges.

These methods, designed to secure a surplus of bullion in each transaction, have happily been called by Jones ("Primitive Political Economy in England" in *Edinburgh Review*, vol. lxxxv, 1847, p. 426–52) the balance of bargain system. Vernadskii (*Ocherk istorii politicheskoi ekonomii* [Summary of the history of political economy], St. Petersburg 1858) suggests balance of exchange system. Another and more distinguished Russian, Ianzhul (*Angliiskaya Svobodnaya Torgovlya* [English free trade], 2 vols., Moscow 1876–82) prefers balance of money system. Heyking (*Zur Geschichte der Handels-bilanztheorie*, Berlin 1880) likes balance of purchase system (*Kaufgeschäftsbilanz-system*). But the usually accepted term is simply the bullionist system.

The first doctrine is found very early. In *The Libelle of Englyshe Polycye, 1436* (ed. and tr. into German by W. Hertzberg, Leipsic 1878, English ed. by G. F. Warner, Oxford 1926) the Italians are blamed for bringing in "thinges of complacence, . . . apes and japes, . . . nifles and trifles that littel have availed" in return for which "they beer the golde out of this land and souketh the thrifte away out of our hand." In 1549 Hales (*A Discourse of the Common Weal of this Realm of England*, London 1581, ed. by E. Lamond, Cambridge, Eng. 1893) warns against exchanging "substanciall wares" for such trifles as "cardes, puppetes, toothepikes, broches, oringes and a thousand like things" for "thus we are impoverished of our treasure." Melchior von Osse in his *Testament* (MS. 1556, later ed. Halle 1717) decries the "Unnothdürftige Wahre," for just as the leeches suck the blood "also sauget solcher unnützer Pracht das Gold." Malynes (*A Treatise of the Canker of England's Commonwealth*, London 1601) distinguishes between "thrifty" and "unthrifty" commodities; Roberts (*The Treasure of Traffike*, London 1641) between "needful wares" and "petty manufactories"; and as late as 1662 the author of *Short Notes and Observations in Point of Trade* (London 1662) calls attention to the import of "vain and unnecessary commodities."

It is interesting to observe that although

Francis Bacon, basing himself upon the superscription of a report of 1615, seems to have been the first to use the term "balance of trade" (see his "Letter of Advice to the Duke of Buckingham" which was written in 1616, published in 1661 and reprinted in his *Letters and Life* ed. by Spedding, vol. vi, London 1872, p. 22–23, explaining that if exports exceed imports the balance of trade must be returned in money or bullion) he really agrees with the bullionists when he advises: "Let not the merchant return toys and vanities (as sometimes it was elsewhere apes and peacocks) but solid merchandize."

The leading English bullionist was Thomas Milles, a customs officer at Sandwich. In *The Custumer's Apology* he speaks wistfully of the old "orderly trafficke with its leges mercatorias, its courts of pieds-pouldres, its staples and mints" and its statutes of employment. Nowadays with the new fangled "speculative kinde of men" it is as difficult to distinguish "a merchant from an usurer with their billes of exchange" as to tell "an English-Catholic-Christian" from a "Roman-Jewish-Jesuite." The consequence is that "customers are perplext" so that the king "wanting bullion, his money seemes to faile and his myntes can stamp no more." The new "particular companies and private societies" have "broken into the staples, prophan'd our soveraigne's mints, turn'd money into a merchandize, and undermin'd the state with usurie —and all for lack of staples."

John Wheeler, secretary of the Merchants' Adventurers, replied in *A Treatise of Commerce* (London 1601), warning the "backbiting customers" to stop discussing things "which either of ignorance they understand not the ground of, or through malice doe misconceive and misreport of." Milles responded in *The Customer's Replie, or Second Apologie* (London 1604), driving home the current abuses and printing the "Treatise of Exchange of 1564," mentioned below. A few years later he returned to the charge, issuing in 1608 *The Custumer's Alphabet and Primer* (London 1608), in which he elaborated "the true patterne of a staple." Later in the same year he published *Acroamata for Bullion and Staples* (London 1608), following this in 1609 by *The Customer's Apologie, heere onely abridged, paraphrased and fitted unto the written Table or Epitome of all his other Workes Touching Trafficke and Customes* (n.p. [1609]). In 1610 he wrote the *Out-Port Customer's Accompt* and in 1611 he published his most elaborate work, *The Misterie of Iniquitie*. Emphasizing the "disorder of justice commutative, for want of staples" he sums up: "no staples, no trafficke; no trafficke, no mines; no mines, no bullion; no bullion, no mints." Were "trafficke once but fixed" "our Bullion (without which no Kingdom can stand) shall be made currant money and our staples made perpetual mines." Thus can the monarch "cut the throat of that stayne and stay of piety, that contempt of equity, that baud of bankers; that art of witchcraft and mystery of iniquity (usury)" and take through the "staples, our first steppe towards heaven and our summum bonum."

Finally in 1619 he repeated his arguments in *An Abstract almost Verbatim* (*with some necessarie Addition*) *of the Customers Apologie written 18 yeares ago* [n.p., n.d.]. Although he now ruefully confessed that "my faith be but fraile, my spirits well-nie spent, and my credite almost gone" yet he is impelled "to wish and pray for staples as heartily as I can."

In order to understand these references to the mystery of the exchanges it is necessary to advert to the mediaeval monetary situation. After the gold coinage was introduced in the thirteenth century the European states were on a bimetallic basis. The continual discrepancies between the market and the mint ratios caused the export now of gold, now of silver. The endeavor to prevent this, coupled with the desire of the prince to exercise the lucrative prerogative of his "domain of money," led to repeated debasements, with a resulting rise of prices.

This concealed for a time the real explanation of the price revolution of the sixteenth century. The theory that this was due to the influx of the precious metals from America was first stated by Noël du Fail (*Les baliverneries, ou contes nouveaux d'Eutrapel*, Paris 1548, ed. by E. Courbet, 2 vols., Paris 1894); and was elaborated by Bodin (*Réponse . . . aux paradoxes de M. de Malestroit*, Paris 1566, tr. as *The Elements of Political Economy*, London 1858), whence it found its way into the 1581 edition of Hales' work, now published with the new title, *A Compendious or briefe Examination of certayne ordinary complaints*.

The other doctrine was the one which, since MacLeod gave it that name in 1858, has been known as Gresham's law. As a matter of fact, however, the generalization is not found in any of the pronouncements of Sir Thomas Gresham. What he states in the memorandum of 1559 is that the changes in the coinage projected by the queen would be followed by the export of the old money. When MacLeod subsequently ascertained that similar assertions had been made before Gresham, he suggested (*The History of Economics*, London 1896) that it "ought in justice to be called the law of Oresme, Copernicus and Gresham." Unfortunately MacLeod's ignorance of mediaeval literature caused him to overlook the fact that the statement was a commonplace even before Oresme, as with Pierre DuBois who pointed out ("De recuperatione terre sancte, 1305," in *Gesta Dei per Francos*, ed. by J. Bongars, Hanover 1611; also ed. by C. V. Langlois, Paris 1891) that debasements injure every one except the *firmarii* and *factores monetarum* who export the overvalued money.

When, however, for any reason tampering with the metal content of the coins seemed undesirable the theory arose that the best way to insure an abundance of bullion was to control the rate of foreign exchange. This took the form either of official valuation or of government monopoly. With the growing evasion of such laws by the private exchangers, continental literature of the fifteenth and sixteenth centuries concerned itself more and more with discussion as to what particular forms of the transactions fall within the prohibition of usury. In England, where the whole movement came later, the earliest treatment is found in "A Treatise of Exchange in Merchandise and Merchandising Exchange, 1564" (in Milles, *The Customer's Replie*, London 1604). "Lawful exchange" as carried on by the cambiadors is here distinguished from the other kind of exchange "when indeed it is not so, but a meer foeneration, and a making a ware and merchandise of money: that that is the same, and by the same, they buy and sell, rayse and abate the price of money, as of any other ware. Wherefore, it is not to be called simply exchange but properly the merchandizing of money or merchandizing exchange." The objection to this is stated as follows: "Forasmuch as money exchanged after this way must be payde againe according to the conditions and compacts and not according to the just and lawfull valuation it hath by public authority, the which temerarious alteration of public coynes is the principal foundation of the gaines, for the love and greediness whereof the other lawfull exchange is expelled the trade corrupted and (the reason) why all wares bear such excessive prices."

In Italy the chief upholder of official regulation was Marc Antonio di Santis (*Discorso intorno alli effetti che fa il cambio in regno*, Naples 1605). The three reasons which he advances for the scarcity of coin are the failure to pay for the exports in cash, the large imports of luxuries and above all the profits in exchange. The remedy consists in enforcing the "prammatica," or prohibition of any deviation in the rate of exchange from the official par. In England we find the further step of insistence on a government exchanger. The leading exponent of this was Gerrard de Malynes. In *A Treatise of the Canker of England's Commonwealth* he contends that the private manipulation of the exchanges "is become predominant or doth overrule the course of commodities and money," thus leading to "an overballancing of forraine commodities with our home commodities, which to supply or countervaile draweth away our treasure." The remedy lies in the appointment of "certain skilful and substantiall men to be the generall exchangers." In *St. George for England* (London 1601) the two wings of this dragon to be vanquished are declared to be *usura palliata* and *usura explicata* of the exchanges. In *Englands View in the Unmasking of Two Paradoxes* (London 1603) he gives a full version of Bodin's discussion, contending, however, that a more important paradox is concerned with the comparison of home and foreign prices, and maintaining that there would be no "over-ballancing of forreine with our home commodities" if "the course of exchange for money did not over-rule the property of money."

The general argument was developed by Sir Robert Cotton (*The Manner and Means how the Kings of England have from Time to Time supported and repaired their Estates*, London 1609; reprinted in his *Cottoni posthuma*, ed. by J. Howell, 3rd ed. London 1679). He holds that the king should enforce his old "Regalitie of Coine and Bullion" and reestablish the "*cambium regis*, his own exchanger." In Culpeper, *A Tract against Usurie* (London 1621), it is again contended that the "Merchants who send over bils of exchange eate us out with our owne money." The same position is taken by the author of *Cambium Regis; or, the Office of his Maiestie's Exchange Royall* (London 1628), in which the evil practises of "exchanging goldsmiths" are contrasted with the "loyall and legall price of Bullion" effected by the king's exchanger. The last defender of the system is Ralph Maddison (*Englands Looking In and Out*, London 1640), who pronounces the "merchaunt exchange" "very deceivable and damageable" and makes the real "ballance of trade" depend on "every particular trade" so that "their walke being observed, it may be known which trade bringeth in or forceth in money."

The opposition to the bullionist doctrine was first voiced on the continent. In France Barthélemy de Laffémas pointed out in *L'incrédulité ou l'ignorance de ceux qui ne veulent cognoistre le bien et repos de l'estat* (Paris 1600) that the evils of the "changes and rechanges" can best be remedied by the "police and controlle" involved in the protection of native industry and the prohibition of foreign goods. In *Comme l'on doibt permettre la liberté du transport de l'or et de l'argent hors du royaume* (Paris 1602) he shows the futility of the bullionist regulations and contends that the only way to prevent the export of coin is to develop home manufactures.

In England the criticism of the export prohibition came later, although at various times certain government advisers had cast doubt on the practise, as long as exports exceeded imports. So in the commission of 1381 (Ruding, Rogers, *Annals of the Coinage of Great Britain and its Dependencies*, 3 vols., 3rd ed. London 1840, vol. i, p. 239–43), in the memorandum of 1549, "Policies to Reduce this Realme . . . unto a Prosperus Wealthe and Estate" (*Tudor Economic Documents*, ed. by R. H. Tawney and E. Power, 3 vols., London 1924, vol. iii, p. 311–45) and again, shortly afterwards, in the *Considerations for the Restraynte of Transportinge Gould out of the Realme* (Schanz, Georg, *Englische Handelspolitik gegen Ende des Mittelalters*, 2 vols., Leipsic 1881, vol. ii, p. 648–49). This last expounds the *causa causarum* of bullion exports and contends that "if England would spend lesse of foreyne comodities the remayne must of necessity be retorned of silver or gould." But the real discussion began with the shipwreck in 1613 of an East Indian company's ship carrying a large amount of bullion. J. R. in *The Trades Increase* (London 1615) now exclaimed, "Let the whole land murmure at the transport of treasure." This brought forth the rejoinder of Dudley Digges, a director of the company, who in *The Defence of Trade* (London 1615) upholds the export of bullion. A similar defense was made a few years later by Mun in *A Discourse of Trade from England unto the East-Indies* (London 1621) which, however, still praises the statutes of employment. Finally in *The Petition and Remonstrance of the Governor and Company of Merchants of London, trading to the East Indies* (London 1628), written by Mun, it is claimed that the export of bullion is "the best trade and meanes we have to increase our Treasure."

The bullionist doctrine of the exchanges was also first refuted on the continent. Antonio Serra (*Breve trattato delle cause che possono far abbondare li regni d'oro e argento*, Naples 1613) answered de Santis' arguments one by one, declaring the true cause of the outflow of bullion to be found in the excessive imports of foreign wares. For real wealth consists (p. 30) in the surplus of goods (*soprabbondanza della roba*), which can be brought about only by favoring home industry. In England the transition came a little later. It is true indeed that business men had opposed the practise at various times. So Sir Richard Graham urged in 1531 that private merchants be permitted to exercise "exchanges and rechanges"; and in 1576 the Italian merchants protested against the reestablishment of the public exchange office (printed in Schanz, Georg, *Englische Handelspolitik*, 2 vols., Leipsic 1881, vol. ii, p. 642–46). But the first real discussion in England came in 1622. In that year Edward Misselden published *Free Trade; or, the Meanes to make Trade Florish* (London 1622), in which he found the lack of money to be due to the undervaluation of the coin, and still maintained a belief in the efficacy of the prohibition of bullion exports. Malynes now reentered the lists with *The Maintenance of Free Trade according to the Three Essentiall Parts of Traffique, namely Commodities, Money and Exchange of Moneys by Bills of Exchanges for other Countries* (London 1622), in which he catalogued the twenty-four "admirable feats to be all done by exchange" and advanced thirty-five remedies culminating in the "Kings Royall Exchanger." He followed this in the same year with his *Consuetudo vel Lex Mercatoria* (London 1622) with an elaborate development of the same thesis. Misselden replied with *The Circle of Commerce; or, the Ballance of Trade in defence of Free Trade: Opposed to Malynes Little Fish and his Great Whale* (London 1623), in which he for the first time in any book used this phrase and, now abandoning his earlier views as to the export of bullion, claimed that "it is not the rate of exchange, but the plenty or scarcity of commodities" that is responsible for price changes and the export of bullion. Despite the retort by Malynes (*The Center of the Circle of Commerce; or, a Refutation of a Treatise intituled The Circle of Commerce*, London 1623), in which the doctrine of the balance of trade is declared to be "full of deceitful fallacies" (p. 137), the new theory gradually won the day and after the crushing refutation by Mun (*England's Treasure by Forraign Trade; or, the Ballance of our Forraign Trade is the Rule of our Treasure*, London 1664; reprinted in the Economic Classics series, New York 1895) we hear no more of the "admirable feats of the exchangers." Moreover with the acceptance of the newer doctrines the bullionist distinction between "thrifty" and "unthrifty" commodities was replaced by the distinction between raw materials and manufactured goods, which was henceforth to play so great a role in the balance of trade doctrine.

Despite their inadequate theories the bullionists were in one sense the earliest modern economists. The mediaeval writers, under the lead of the theologians, the Glossators and the canonists, dealt primarily with problems of individual morality, typified in the usury controversy. The bullionists were the first to stress questions of national or social wealth and to develop monetary theory from the prince's prerogative of debasing the coin to the wider discussion of the relation between money and prices as well as the connection between bullion and social prosperity. In this way they paved the way for the mercantilists.

EDWIN R. A. SELIGMAN

See: MERCANTILISM; BIMETALLISM AND MONOMETALLISM; COINAGE; MONEY; BALANCE OF TRADE.

Consult: There is no satisfactory account of bullionist theory. A few disconnected statements will be found in Cunningham, William, *The Growth of English Industry and Commerce in Modern Times*, 3 vols. (5th ed. Cambridge, Eng. 1910–12) vol. ii; Unwin, George, *Studies in Economic History*, ed. by R. H. Tawney (London 1927); and R. H. Tawney's introduction to Wilson, Thomas, *A Discourse upon Usury* (London 1925) p. 1–15. For a statement of the theory of the exchanges see Endemann, Wilhelm, *Studien in der romanisch-kanonistischen Wirthschafts- und Rechtslehre*, 2 vols. (Berlin 1874–83). Some of the continental writers are discussed in Bodin de Saint-Laurent, Jean de, *Les idées monétaires et commerciales de Jean Bodin* (Bordeaux 1907); Laffitte, Paul, *Notice sur Barthélemy Laffémas* (Paris 1877); Fornari, Tommaso, *Studi sopra Antonio Serra e Marco Antonio de Santis* (Milan 1880). For Malynes and Misselden see Seligman, E. R. A., *Curiosities of Early Economic Literature* (p.p. San Francisco 1920). The English legislation is described in Jones, Richard, "Primitive Political Economy of England" in his *Literary Remains* (London 1859) p. 291–335, with a passing mention of Milles and Misselden, whom he had obviously never consulted.

BULMERINCQ, AUGUST VON (1822–90), German jurist. He was professor of international and public law, becoming eventually the successor of Bluntschli at Heidelberg. Before 1870 there had been little progress in international law in Germany and the work of Heffter with its insecure foundation in the law of nature ruled the field. Better acquainted than any of his contemporaries with the international law of all nations, especially as embodied in European international treaties, Bulmerincq was well equipped to become the leader of a new positivism.

Bulmerincq made his reputation with his *Die Systematik des Völkerrechts von Grotius bis auf die Gegenwart* (Dorpat 1858). He objected that too little attention had been paid to the systematic exposition of international law since Grotius, which had come to be artificially divided into two parts, "Law of Peace" and "Law of War." Bulmerincq sought to accomplish its systematization upon the analogy of private law, dividing it into substantive and adjective international law. His program of positivism was developed theoretically in his *Praxis, Theorie und Codification des Völkerrechts* (Leipsic 1874) and *Das Völkerrecht oder internationale Recht* (Freiburg 1887, 2nd ed. 1889; previously published in the Handbuch des öffentlichen Rechts der Gegenwart in Monographien, vol. i, pt. ii, 1884). The specific field in which Bulmerincq himself exemplified his method was mainly that of the maritime law of war, particularly the law of prize. His general ideas were developed more logically by his pupil Bergbohm who, indeed, criticized his master for the traces of natural law which were still to be found in his work.

WILLIAM SEAGLE

Consult: Bergbohm, Karl M., in *Allgemeine deutsche Biographie*, vol. xlvii (1903) 348–50; Rivier, A., in *Handbuch des Völkerrechts*, ed. by F. Holtzendorff, 4 vols. (Berlin 1885–89) vol. i, p. 491–93 and further references there cited.

BÜLOW, BERNHARD HEINRICH MARTIN, PRINCE VON (1849–1929), the fourth chancellor of the German Empire. Born of an ancient and distinguished Prussian family, he filled various diplomatic posts at Vienna, Athens, Bucharest and Rome. In 1897 he became secretary of state for foreign affairs and in 1900 succeeded Hohenlohe as chancellor, a difficult position which he filled for nine years.

Under Bülow's guidance Germany definitely entered the sphere of *Weltpolitik*. Because he and his adviser, Holstein, believed that England could be brought to make greater concessions, that she would never come to a friendly understanding with France or with Russia and that Germany could therefore continue to enjoy the position of *arbiter mundi*, he failed to take up more cordially the proposals of Joseph Chamberlain for an Anglo-German alliance. It is doubtful, however, whether such an alliance could have been brought about at the time in view of the mutual antagonism arising from South African, commercial and naval questions and because of the opposition of Lord Salisbury and a majority of the British cabinet. After the Anglo-French Moroccan Agreement of 1904 Bülow and Holstein sought to defend Germany's Moroccan interests by a policy of intimidation toward France. To break up the Anglo-French friendship the kaiser at the same time attempted an alliance with Russia by means of the Björkö treaty (1905), which was later repudiated by the czar.

In 1908 Bülow's carelessness permitted the publication in the London *Daily Telegraph* of an indiscreet interview with the kaiser which raised a storm of criticism in both England and Germany. Bülow took the blame upon himself but his Reichstag speech on the subject offended his imperial master, who became thenceforth less cordial to him. Bülow also differed with the kaiser and von Tirpitz in his desire to restrict Germany's naval program. In addition, the dissolution of the Reichstag bloc, which included all the parties except the Center and the Social Democrats, led to the rejection of Bülow's budget and he resigned in 1909. After the outbreak of the World War Bülow was sent again as ambassador to Italy in an effort to keep Italy neutral, but was unsuccessful.

In versatility Bülow was second only to Bismarck. Nevertheless he piloted the ship of state into dangerous currents. Clever and self-reliant, he was handicapped by the flippant habit of obscuring the truth in amusing metaphors and by an assumed optimism which silenced healthy criticism of his policies. He presented a brilliant apologia in his *Deutsche Politik* (Leipsic 1914, 2nd ed. Berlin 1916; tr. by M. Lewenz as *Imperial Germany*, rev. ed. New York 1917) and before his death prepared his memoirs for publication. His speeches were collected by J. Penzler and O. Hoetzsch (3 vols., Leipsic 1903–09).

SIDNEY B. FAY

Consult: Spickernagel, Wilhelm, *Fürst Bülow* (Hamburg 1921); Haller, J., *Die Ära Bülow* (Berlin 1922), a severe criticism; Gooch, G. P., in *Contemporary Review*, vol. cxxxvi (1929) 696–704; Herre, Paul, in *Berliner Monatshefte*, vol. vii (1929) 1154–67; Becker, Willy, *Fürst Bülow und England* (Greifswald 1929); Fay, S. B., *The Origins of the World War*, 2 vols. (New York 1928); Eschenburg, Theodor, *Das Kaiserreich am Scheideweg, Bassermann, Bülow und der Block* (Berlin 1929).

BÜLOW, OSKAR (1837–1907), German jurist. Bülow was professor of civil procedure at the universities of Heidelberg, Giessen, Tübingen and Leipsic. His importance, however, rests upon his leadership in the school of German jurists who, as representatives of the reaction against the earlier historical school, regarded German civil procedure as an independent branch of German public law. Until the end of the seventies civil procedure had been largely concerned with the old Roman-Italian law of process which Germany had taken over during the Middle Ages and developed further in its legal practise. With the unification of the judicial system and the formulation of a civil code for the whole empire in 1877 German legal science turned to the dogmatic development of the prevailing statute law as the almost exclusive subject of jurisprudence.

Together with Adolf Wach, Bülow was of outstanding prominence in the new movement. His first work, on the maintenance of actions, deals with the public law basis of civil procedure. Of his later books the brief study *Gesetz und Richteramt* probably exercised the greatest influence. Here Bülow demonstrated that even the system of codified statute law afforded the judge a field of action as creative as that of the legislator. This was the basis of a higher evaluation of the judicial opinion even under the modern system of codification.

HANS FRITZSCHE

Important works: *Die Lehre von den Prozesseinreden und die Prozessvoraussetzungen* (Giessen 1868); "Zivilprozessualische Fiktionen und Wahrheiten" in *Archiv für die civilistische Praxis*, vol. lxii (1879) 1–96; "Dispositives Civilprozessrecht und die verbindliche Kraft der Rechtsordnung" in *Archiv für die civilistische Praxis*, vol. lxiv (1881) 1–109; *Gesetz und Richteramt* (Leipsic 1885); *Das Geständnissrecht* (Freiburg 1899).

Consult: Heinsheimer, Karl, in *Zeitschrift für deutschen Zivilprozess*, vol. xxxvii (1908) v–xii.

BUNDESRAT in Germany was created in accordance with the constitution drafted by Bismarck for the North German Confederation (1866–71) and retained its power and functions with the establishment of the empire. It was intended as a substitute for the Bundestag, which in the period between the Congress of Vienna and the Austro-Prussian War was the supreme organ of the loose confederation of German states.

The Bundestag, which met under Austria's chairmanship, had its permanent seat in Frankfort. Of its seventeen members eleven represented the same number of larger states and six were delegated by curias, in which the smaller states and free cities were grouped for the purpose. For the rendering of important decisions the Bundestag was expanded into the Bundesversammlung, with sixty-nine members. In neither body was the apportionment of seats proportional to the population or size of the member states, which included not only German states and principalities but also Denmark, because of its sovereignty over Holstein, and the Netherlands, as the ruler of Luxemburg; in addition there was until 1837 a representative of the English sovereign, who governed Hanover by virtue of a dynastic union. The competence of the Bundestag was very limited because each member of the confederation enjoyed complete sovereignty, including the right to enter alliances in so far as they did not militate against the confederation. In some cases—for instance in Austria and Prussia—its authority extended only to parts of the member states. Consequently the Bundestag was not important in German political development; for example, the Zollverein was established without its assistance or sanction. Neither did it enjoy any popularity, particularly because it was associated with measures against the liberal, nationalist movement. Its existence was terminated by the war of 1866.

The Bundesrat, the organ of the governments federated in the German Empire, embodied the sovereignty of this state. Its membership was appointed by the governments, so that it resembled a permanent council of ambassadors rather than an elected legislature. The representation of the constituent states followed in some measure the practise of the Bundestag. Prussia had 17 seats, Bavaria 6, Saxony and Württemberg 4, Baden and Hesse and (after 1911) Alsace-Lorraine 3, Mecklenburg-Schwerin and Brunswick 2, and the remaining seventeen states one each. It was due to Bismarck, who attempted to allay fears of Prussian hegemony, that Prussia, with two thirds of the empire's population, had only 17 of the 61 votes. Constitutional provisions, however, made Prussian consent imperative for every law on financial, military and economic questions; moreover no change in the constitution could be made against an opposition of 14 votes. Prussia held the presidency of the Bundesrat and the imperial chancellor or his deputy presided over its sessions, which were not public. It met on the call of the emperor, who as king of Prussia appointed the Prussian delegates. The appointments were political in character and the delegates were responsive to every wish of their home governments; the votes of each member state were always delivered as a unit.

The authority of the Bundesrat was threefold: legislative, administrative and judicial. Every state had the right of legislative initiative and the body was divided into committees to prepare legislation. Coordinate in legislative activity with the Reichstag and the emperor, the Bundesrat customarily initiated all important legislation; it also prepared the annual budgets. It had the right to disapprove amendments made by the Reichstag, but if it endorsed them the emperor was bound to accept the law. Members of the Bundesrat had the right to be heard in the Reichstag. Indirectly the Bundesrat was extremely influential in administration, which was almost entirely in the hands of the constituent states. It developed upon the Bundesrat to elaborate and issue executive regulations and general administrative orders to insure uniform practise. As a judicial body it was empowered to act in cases of disagreement between the empire and a state, between constituent states and in constitutional conflicts within a state. It could delegate decision to a supreme court. It also enjoyed important powers in the purely political sphere. Except for such contingencies as the danger of an immediate offensive against national territory its consent was required to declare war. Likewise treaties with foreign countries had to be ratified by the Bundesrat. It determined upon measures against any of the federated states and its consent was necessary to dissolve the Reichstag and proclaim new elections.

The German Bundesrat was thus a body combining the powers of a second chamber, a council of state and a supreme court. It was the agency through which Prussia exercised its supremacy in a federation of apparently equal states. The relatively unchanging character of its membership strengthened the position of the Bundesrat in both theory and practise. It was the chief constitutional bulwark of the conservative and monarchist forces in Germany. It was essentially different from the Bundesrat of Austria and that of Switzerland, which are primarily legislative bodies. Similarly the Reichsrat, which succeeded the Bundesrat in republican Germany, is merely a legislative body representative of the federated states, on an equal footing with the Reichstag.

THEODOR HEUSS

See: LEGISLATIVE ASSEMBLIES; CONSTITUTIONS; FEDERATION.

Consult: Laband, P., *Deutsches Reichsstaatsrecht* (7th ed. Tübingen 1919) p. 61–72; Meyer, G., *Lehrbuch des deutschen Staatsrechts*, 3 vols. (7th ed. by G. Anschütz, Munich 1914–19) vol. ii, p. 482–94, containing also bibliographical references; Herwegen, A., *Reichsverfassung und Bundesrat* (Cologne 1902); Poschinger, H. von, *Fürst Bismark und der Bundesrat*, 5 vols. (Stuttgart 1897–1901); Seydel, M., "Der deutsche Bundesrath" in *Schmollers Jahrbuch*, vol. iii (1879) 273–96; Robinson, J. H., *The German Bundesrath*, University of Pennsylvania Publications, Political Economy and Public Law series, vol. iii, no. 1 (Philadelphia 1891); Howard, B. E., *The German Empire* (New York 1906) ch. iv.

BUNGE, CARLOS OCTAVIO (1875–1918), Argentine jurist, educationist and publicist. His doctoral dissertation, *El federalismo argentino* (Buenos Aires 1897), attracted considerable attention because of its sociologico-historical interpretation of Argentine public law and political institutions, after the manner of Alberdi, Sarmiento, Spencer and Taine. In 1901 he published *El espíritu de la educación* (Buenos Aires; best known as *La educación*, from the second edition, Madrid 1902). In this work and in his teaching as professor of education at the University of Buenos Aires (1905–18) he treated his subject as a social science, emphasizing the philosophy of the history of education, and educational sociology rather than pedagogy. In 1903 appeared his *Nuestra América* (Barcelona) and *Principios de psicología individual y social* (3 vols., Madrid; also translated into French); the former, an essay in social psychology after the manner of Le Bon and Tarde, being one of the most widely read interpretations of Latin American history and politics, and the latter, the first Argentine attempt at a systematic treatise on social psychology. Perhaps the most successful of his works, *Teoría del derecho, principios de sociología jurídica* (Buenos Aires 1905; best known as *El derecho*, from the second edition, 2 vols., Buenos Aires 1907; translated also into Italian and French), was like all his works strongly sociological in outlook and method. His *Casos de derecho penal* (Buenos Aires 1911) and *Historia del derecho argentino* (2 vols., Buenos Aires 1912–13) practically complete his studies in legal philosophy and history. Bunge, a voluminous writer, left among various biographical and literary studies two biologico-sociological works of fiction, *La novela de la sangre* (Madrid 1903) and *Viaje a través de la estirpe y otras narraciones* (Buenos Aires 1908). Although he was neither particularly original nor always accurate or profound, he was among the most active in his generation in Argentina in introducing socio-psychological conceptions into the philosophy of law.

L. L. BERNARD

Works: Bunge's principal works have been reprinted in La Cultura Argentina series (Buenos Aires 1920–). See also *Obras completas de C. O. Bunge*, 13 vols. (Madrid 1926–28).

Consult: *Nosotros*, vol. xxix (1918) 305–435, a special commemorative issue devoted to Bunge.

BUNGE, FRIEDRICH GEORG VON (1802–97), Baltic jurist and historian. He was the first to edit systematically the sources of mediaeval Baltic history and to codify the Baltic private law. Each of the three Russian Baltic provinces, Livonia, Esthonia and Courland, had its own law, based originally upon German customs but displaying characteristic variations caused by the differences in the autonomous development of the provinces. The law had never been codified and there were no standard rules of interpretation. Bunge investigated the sources and history of the existing law, and sought to establish the relations between the development of the law and the political and social conditions of the several provinces. While engaged in this study he conceived the project of a complete collection of Baltic historical documents and records up to 1561, and to this end he started in 1853 in Reval the *Liv- est- kurländisches Urkundenbuch*, of which he edited the first six volumes. This work inaugurated a new era for historians of the Baltic territories. The Russian government entrusted him with the codification of the Baltic private law, a work on which he was engaged from 1856 to 1864. The code was sanctioned by the czar in 1865.

L. H. ARBUSOW

Important works: *Das liv- und estländische Privatrecht*, 2 vols. (Dorpat 1838, 2nd ed. Reval 1847–48); *Das curländische Privatrecht* (Reval 1851).

Consult: Greiffenhagen, W., *Friedrich Georg v. Bunge* (Reval 1891); Diederichs, H., in *Baltische Monatsschrift*, vol. xliv (1897) 357–86; Stieda, L., in *Allgemeine deustche Biographie*, vol. xlvii (1903) 364–68.

BUNGE, NIKOLAY CHRISTIANOVICH (1823–95), Russian economist and statesman. He graduated from the University of Kiev in

1845, served as professor of economics, statistics and administrative law (interpreted as economic policy) at the same university from 1850 to 1880 and was elected a member of the Russian Academy of Sciences in 1890. His career in public life was not less distinguished: he was a member of the commission which prepared the financial measures connected with the emancipation of the peasants; he was several times rector of the University of Kiev; and after 1865 he was in charge of the Kiev branch of the State Bank. In 1880 he was appointed assistant minister of finance and in the following year, with the resignation of the liberal members of the government after the assassination of Alexander II, became minister of finance, an office which he held until 1886. In the last decade of his life he was president of the Committee of Ministers, a council which passed on all matters exceeding the competence of a single ministry and sometimes on measures of an urgent legislative character.

Bunge modernized considerably the Russian system of taxation. He abolished the salt excise and the poll tax paid by the lower classes and considerably reduced the redemption payments of peasants inaugurated as a result of their emancipation. On the other hand he introduced a tax on moneyed capital and increased the taxation of business enterprises, measures regarded as forerunners of a general income tax. He instituted the system of tax inspectors and thus created for the first time in Russia an organization devoted exclusively to tax administration. He took the first steps in preparing the monetary reform carried out under Vishnegradsky and Witte. Having definitely rejected the idea of raising the value of the monetary unit, he adopted the plan of monetary stabilization at the current level. He began the accumulation of a gold fund and advocated the legalization of private dealing in gold. Bunge also promoted labor legislation in Russia and introduced the system of factory inspectors.

Bunge's scholarship was not particularly forceful or original. As early as the fifties he appeared as a staunch exponent of the historical approach in theory and of liberalism in economic policy. Clearly influenced by the older German historical school, he became in his turn the founder of the Kiev school, which criticized the labor theory of value and opposed all forms of state intervention. As a statesman Bunge remained true to the views which he professed as a scholar. He was much less favorably disposed to protectionism than his successors and in an official memorandum on the peasant question (1894) took a definite stand against the reactionary laws of 1893 and 1894 which strengthened the village community form of land tenure. Among the published works of Bunge important contributions are to be found not in general treatises or textbooks but in shorter writings dealing with questions of economic policy. Of these the more interesting are: an article on Russian currency including a program of financial reform (in *Sbornik gosudarstvennikh znany*, vol. viii, 1880, p. 86–127), a review of A. I. Chuprov's work on railway economics containing an exposition of Bunge's economic philosophy (*Vestnik Europi*, 1876, vol. ii, 314–52) and a monograph on the Russian salt excise (St. Petersburg 1893). Some of his essays on the history of economic doctrines appeared in a French translation as *Esquisses de littérature politico-économique* (Geneva 1898); this book contains a biography of Bunge by Kartavtsov and a bibliography of Bunge's works.

PETER STRUVE

BUONARROTI, FILIPPE MICHELE. *See* BABOUVISM.

BURCHARD OF WORMS, eleventh century canonist. He was educated at the cloister school of Lobbes and in the year 1000 was promoted to the bishopric of Worms by Otto III. Between 1012 and 1022 he compiled his *Decretum* (reprinted in J. P. Migne's *Patrologia latina*, vol. cxl, cols. 538–1090), the last and most important collection of canon law texts before the Hildebrandine reform party became dominant in the church. Although many collections were utilized, more than half of its 1785 texts were borrowed from the earlier collection of Regino of Prum and the ninth century Italian collection known as *Anselmo dedicata*. A few texts affirm that secular enactments are subject to the law of God, but little else is included of a political character. Burchard's own texts are mainly upon the administration of penance.

Burchard's collection formed the most widely used corpus of canon law for almost a century until superseded by the collections of Ivo of Chartres. It was, however, unsatisfactory to the reformers because it did not sufficiently emphasize the primacy of the Roman See and because it compromised with prevailing practises in the matter of marriage of the clergy, investiture, dissolution of marriage and trial by ordeal. Near the close of his bishopric Burchard promulgated (1023–25) one of the earliest municipal law books, the *Lex familiae wormatiensis ecclesiae* (reprinted in *Monumenta Germaniae historica*, Legum sectio iv, vol. i, p. 639–44), intended to supply a code for the administration of justice in secular affairs among the vassals of his bishopric.

JOHN DICKINSON

Consult: Grosch, Hermann, *Burchard I, Bischof zu Worms* (Jena 1890); Koeniger, A. M., *Burchard I von Worms und die deutsche Kirche seiner Zeit* (Munich 1905); Fournier, Paul, "Études critiques sur le décret de Burchard de Worms" in *Nouvelle revue historique de droit français et étranger*, vol. xxxiv (1910) 41–112, 213–21, 289–331, 564–84, and "Un tournant de l'histoire du droit 1060–1140" in *Nouvelle revue historique de droit français et étranger*, vol. xl (1917) 129–80, and "Le décret de Burchard de Worms, ses caractères et son influence" in *Revue d'histoire ecclésiastique*, vol. xii (1911) 451–73, 670–94.

BURCKHARDT, JACOB CHRISTOPH (1818–97), Swiss historian. He came of an old Basel family and received a humanistic education, first studying theology at Basel, then history under Ranke at Berlin and history of art under Kugler at Bonn. From 1844 to 1893 he taught with distinction at the University of Basel. Burckhardt's early works, which deal particularly with German history and history of art, show a strong culture-historical trend and reveal the impress of German romanticism. The fact that he had lived through the revolutionary period of 1830–48 strongly influenced his historical-political judgment.

Burckhardt's major historical works constitute a complete study of the development of the European culture that started with the Greeks. *Griechische Kulturgeschichte* deals with the genesis, nature and development of Greek culture and its relationship to contemporary religious, political and social forces. *Die Zeit Constantins des Grossen* describes the disintegration and decay of ancient culture and explains the triumph of Christianity over late antiquity and the transition to the Middle Ages. Finally *Die Cultur der Renaissance in Italien* portrays the rebirth of antiquity in humanism and the Renaissance and its fusion with the Italian folk spirit in subduing mediaevalism and in inaugurating the modern era. He draws a sharp contrast between the corporate character of mediaeval society and the strong individualism so characteristic of the Renaissance. Burckhardt had now the classical viewpoint and in these brilliant works he showed the strength, the continuity, the multiple changes and forms of the human spirit which first attained sovereignty among the Greeks. With this approach he revealed himself as a late disciple in the school of Schiller and Goethe, representing for the nineteenth century the stronghold of humanistic idealism.

Burckhardt's works on the Renaissance greatly stimulated research and amounted to a virtual discovery of the period that was crucial for modern Europe. His epoch making studies in the art of the Renaissance are contained chiefly in *Der Cicerone*, *Geschichte der Renaissance* and *Beitrage zur Kunstgeschichte Italiens*. His idealistic conception of art, which he derived from the Greeks, led him to give first place to the Italians in the history of European art and his judgment had a tremendous influence upon aesthetic opinion from 1860 to 1900.

His philosophy of history, which combines a profound idealism with an intense pessimism, appears in concentrated form in his posthumous works, *Weltgeschichtliche Betrachtungen* and *Historische Fragmente*. Burckhardt was severely critical in his attitude toward the political, economic and social forces of his day and was in many respects closely akin to Nietzsche, upon whom he exerted a marked influence. He was antidemocratic, antirevolutionary and antimaterialistic—a spiritual aristocrat, an idealist and on the whole inconsistent with the spirit of the times. In the historical thought of the nineteenth century his works are among the most profound and their influence continues even in present day political history and thought.

EMIL DÜRR

Works: *Griechische Kulturgeschichte*, 4 vols. (Berlin 1898–1902; new ed., 3 vols., Leipsic 1929); *Die Zeit Constantins des Grossen* (Basel 1853, 3rd ed. Leipsic 1898); *Die Cultur der Renaissance in Italien* (Basel 1860; new ed. by L. Heinemann, Berlin 1928), tr. from 15th German ed. by S. G. C. Middlemore (2nd ed. London 1890); *Der Cicerone* (Basel 1855; 10th ed., 4 vols., Leipsic 1909–10), tr. by Mrs. A. H. Clough (rev. ed. London 1879); *Geschichte der Renaissance in Italien* (Stuttgart 1867, 7th ed. Esslingen 1924); *Beiträge zur Kunstgeschichte von Italien* (Basel 1898); *Weltgeschichtliche Betrachtungen* (Stuttgart 1905, 2nd ed. 1910). The *Historische Fragmente* is in Burckhardt's collected works, vol. i– (Stuttgart 1929–).

Consult: Neumann, Carl, *Jacob Burckhardt* (Munich 1927); Markwart, Otto, *Jacob Burckhardt*, vol. i– (Basel 1920–); Dürr, Emil, *Freiheit und Macht bei Jacob Burckhardt* (Basel 1918); Joël, Karl, *Jacob Burckhardt als Geschichtsphilosoph* (Basel 1918); Cappis, O. B., *Die Idee des Kleinstaates im Deutschland des 19. Jahrhunderts* (Basel 1923) p. 104–28; Andler, Charles, *Nietzsche, sa vie et sa pensée*, 4 vols. (Paris 1920–22) vol. i, p. 265–339.

BURDETT, FRANCIS (1770–1844), English political reformer and philanthropist. First elected for Boroughbridge in 1796 he continued in the House of Commons almost uninterruptedly until his death, representing Westminster for thirty years (1807–37). In the early part of his career his stalwart championship of parliamentary reform, of popular rights and liberty of speech as well as his opposition to war with France made him the most popular political figure of London. His protest against the action of the government in the Manchester massacres led in 1810 to his detention in the Tower of London and his imprisonment in a common jail. Because of Burdett's vigor and wide popular appeal Bentham, Place, Cobbett and other radicals of the day turned to him to sponsor in the House of Commons resolutions calling for specific reforms. Nevertheless his turbulent nature and the intricate cross currents of the reform movement led to many ruptures in his relationships with the leaders of various groups.

It was distinctive of Burdett's attitude and perhaps the secret of much of his parliamentary influence that he based his claims always on ancient constitutional and legal principles, in this respect following Horne Tooke whose disciple he was. After the passage of the Reform Act of 1832 his interest in democratic movements waned and he ended his political career as a Tory. Throughout his life he contributed munificently to many public and philanthropic projects including, among others, the Mechanics' Institute.

W. H. DAWSON

Consult: Hazlitt, William, in *The Spirit of the Age* (London 1825; reprinted in *Collected Works*, London 1902–04, vol. iv, p. 324–25); Halévy, Élie, *La formation du radicalisme philosophique*, 3 vols. (Paris 1901–04), tr. in one volume by M. Morris (New York 1928) p. 249–64; Wallas, Graham, *Life of Francis Place* (rev. ed. London 1918) chs. ii and iv.

BUREAU, PAUL (1865–1923), French sociologist. He was one of the most prominent representatives of the school of sociology which aims at the study of contemporary social institutions by the Le Play method of first hand observation. After traveling in England, the United States and Norway, Bureau first became known for his monographs on particular institutions in those countries: *Le homestead, ou l'insaisissabilité de la petite propriété foncière* (Paris 1895); *L'association de l'ouvrier aux profits du patron et la participation aux bénéfices* (Paris 1898); *Le contrat de travail et le rôle des syndicats professionnels* (Paris 1902); and "Le paysan des fjords de Norvège" in *La science sociale*, n. s., vols. xx–xxi, nos. 20–21 (Paris 1905–06). In *La crise morale des temps nouveaux* (Paris 1907) he added to the Le Play method an ideological approach which sought the causes of French immorality in the intellectual currents of the day. His *L'indiscipline des moeurs* (Paris 1920; English translation, *Towards Moral Bankruptcy*, London 1925) put him in the forefront of those who, while accepting Malthus' population formula, took a primarily moral view of the population question and sought a remedy in the strengthening of family ties and in continence within marriage. In his last work, *L'introduction à la méthode sociologique* (Paris 1923), Bureau outlined the general principles of the method of personal observation in sociology, and defined the task of this method as that of furnishing the material on which the art of social reconstruction is to be based.

PAUL GEMÄHLING

Consult: Lanzac de Laborie, S. de, and others, *Paul Bureau* (Paris 1924).

BUREAUCRACY is the term usually applied to a system of government the control of which is so completely in the hands of officials that their power jeopardizes the liberties of ordinary citizens. The characteristics of such a regime are a passion for routine in administration, the sacrifice of flexibility to rule, delay in the making of decisions and a refusal to embark upon experiment. In extreme cases the members of a bureaucracy may become a hereditary caste manipulating government to their own advantage.

Until quite modern times bureaucracy seems to have arisen as a by-product of aristocracy. In the history of the latter a disinclination on the part of the aristocracy for active government has in some cases led to the transfer of power into the hands of permanent officials. In other cases the origin of bureaucracy may be traced to the desire of the crown to have a body of personal servants who may be set off against the appetite of the aristocracy for power. In the latter event the bureaucrats themselves may have developed into an aristocracy, as happened in eighteenth century France. Previous to the nineteenth century bureaucracies have always sought, wherever possible, to become a privileged caste. When they have succeeded they have attempted to obtain for themselves either the same powers as the aristocracy or access to that superior class. In any case it was fairly characteristic of bureaucracies before the French Revolution not to consider the interests of the state as a whole. A notable example of this selfishness is the attitude of the French bureaucracy in the seventeenth and eighteenth centuries to the *vénalité des charges;* even so liberal minded a thinker as Montesquieu was prepared to defend the sale of offices in a monarchy (*Esprit des lois*, bk. v, ch. xix). Yet it resulted inevitably in a complete blindness to ability as a test for office. Even in quite modern times the Foreign Office of Great Britain has been very largely maintained as an appanage of the aristocracy; it was not until 1919 that applications for admission were entertained from candidates who did not possess a private income.

The advent of democratic government in the nineteenth century overthrew in the western world the chance of maintaining a system whereby officials could constitute a permanent and hereditary caste. But for the most part the new conditions which accompanied democracy made bureaucracy possible in a new phase. It was essential to have a body of experts surrounding the minister in charge of a particular service. The latter was an amateur who remained in office for at most a few years. It was therefore almost a condition of successful administration that the officials who surrounded him should hold office permanently. And since democracy implied also publicity, it was important too that there should be a uniform body of precedents, a consistent tradition, to which reference could be made in order to justify before a legislative assembly the action that was taken.

The tendency accordingly has been a certain suspicion of experimentalism, a benevolence toward the "safe" man. There develops almost insensibly an esprit de corps with canons of conduct, observance of which becomes the test of promotion. Administrative codes grow up and are applied simply from the conservatism of habit. When rules have been long in operation or when they have been made by men of considerable experience it is very difficult to resist their authority. Because they are old it is held that they embody necessary experience; and officials are not easily persuaded to abandon them. A bureaucracy, moreover, because it is open to public criticism in a democratic state is always anxious to secure a reputation for accuracy. It prides itself on not making mistakes. It insists on seeing questions from every point of view. This results not seldom in a slowness in taking action, a multiplication of *paperasserie*, in which the negative side of some proposed course of action is easily magnified as against its possible advantages. Because mistakes will lead to criticism a bureaucracy is easily tempted to persuade a timid minister that the statute he contemplates is probably destined to fail.

Under modern conditions these problems are magnified still further. The scale of the modern state and the vastness of the services it seeks to render make expert administration inevitable. To control the expert in such conditions is an unenviable task. The necessary knowledge of detail is as a rule concentrated in his department alone. The need to be impersonal means uniformity of administration; and this in its turn means a code of precedents through which it is difficult to cut one's way to the recognition of a new principle. Experts, moreover, naturally tend to push the field they administer to its furthest confines; the appetite for power grows by what it feeds on. In England, for example, the last thirty years have seen the increasing abandonment by Parliament of any effective control over departmental action. Even judicial control has had to surrender to the need for administrative discretion rendered necessary because the processes of law are too cumbrous to deal effectively with the delicacy of the technical issues involved. Where the legislative machinery still attempts interference, as in the United States, the result is fatal to expert and adequate administration.

We have reached, in short, a position in which certain simple principles may be laid down. (1) In countries built upon the English parliamentary model the legislature cannot because of the extent and pressure of its business do more than accept or reject the conclusions of ministers. (2) The conclusions of ministers based, as they must be, upon information which requires experts for its formulation and interpretation are very largely those of the higher officials of the departments in their charge. (3) In the department there is a constant pressure toward caution. The minister has to assume responsibility for the mistakes of his subordinates and it is a point of honor with his subordinates that these be minimal; the simplest way to this end is to minimize the sphere of novelty. (4) The system of appointment by competitive examination, adopted as a necessary precaution against the evils of patronage, means that the young official grows up in the department and that his promotion depends largely upon the recommendation of his seniors. In this sense a high reward may too easily be won for conformity to the departmental code. In any case appointment from without is deeply resented and it will be found that most officials favor promotion by seniority; this, as a rule, is to mistake antiquity for experience. (5) In the United States there is hardly a bureaucracy in the European sense of the term; the small salaries and the operation of the spoils system prevent the continuity of service known in Europe. But the disadvantages of this system are great: the failure to attract able men to the civil service and the consequent low level of quality in the administrative performance. Discontinuity at the top of the departments involves a price perhaps even heavier than that paid for excessive continuity.

It should be pointed out that these undesirable characteristics of bureaucracy are not in the least confined to the service of the state; they operate wherever there is large scale organization. Trade unions, churches, institutions for social work, great industrial corporations, all these are compelled by the very size of the interests they represent and by their complexity to take on the same habits of bureaucracy. The familiarity of officials with the technical details of their work involves the accretion of power in their hands. The need for rules makes for stereotyped regulation. Innovation is distrusted because it means a departure from the wonted routine. The problem, for example, of influencing a great political party to adopt a new outlook frowned upon by its leaders; the effort to persuade, say, a great shipbuilding firm to turn from iron to steel; the difficulty of inducing case workers in a charitable organization to skepticism of their inquiries; these are merely examples of the power of habit over those who specialize in a particular department. It is rarely difficult in a trade union congress for the officials to "steam roller" the delegates into acceptance of policies about which as individuals the majority may be dubious. A great business corporation, as long as it earns a dividend, never has to bother itself about its shareholders. It is the boast of the Roman Catholic church that it has not changed since its foundation; and innovators have always been driven either to schism or submission. Even in a comparatively new state like the Soviet Republic the proceedings of the Communist party are full of accusations of this kind against officials.

In all large scale enterprise men who are desirous of avoiding great responsibility (and the majority of men is so desirous) are necessarily tempted to avoid great experiments. In a political democracy this obviously becomes an official habit where there is a tendency to a bureaucratic system. Nothing will be undertaken for the public for which it is not clamant. The difficulties of meeting the demands made will be exaggerated out of all proportion. Information necessary to the making of policy will be withheld, sometimes on the ground that it is not in the public interest to reveal it, sometimes by the argument that its collection would be unjustifiably expensive. Decisions will be made without the assignment of reasons for making them, or postponed until, in Bacon's phrase, the questions "resolve of themselves." The result is discretion, secrecy, conservatism, and all these minister to the preservation of power.

In modern times bureaucracies have, outside of Russia under the czarist regime, rarely been corrupt in a crude sense. Most of the advantages they obtain for themselves (security of tenure, superannuation, incremental salaries, annual vacation) are recognized as the necessary accompaniments of sound work. Nor has there been the tendency to nepotism which distinguished earlier types. Of course there have been scandals; in France notably there have been some sordid exposures worthy of the *ancien régime*. But it is in a broad sense just to say that in its political context the economic morality of the modern civil service, where it has had the advantage of permanence, has been far higher than that of private enterprise.

Its faults clearly arise from the difficulty of controlling experts in any department where action depends upon special knowledge which as a rule they alone possess and where mistakes of innovation may entail serious consequences. The size of the modern state in fact tends to make its government an oligarchy of specialists, whose routine is disturbed by the occasional irruption of the benevolent amateur. In England it may be said that the technical efficiency of the civil service has made it possible to avoid many of the larger evils of bureaucracy because the long period of service of outstanding statesmen gives to them a power of control not easily obtainable elsewhere. In Germany, on the other hand, at least until 1916, the statesman in office tended to be the supreme bureaucrat who could avoid the consequence, to be faced in England, of having to meet a popular verdict. Moreover the English system of fairly constant and thorough inquiry into the whole condition of the civil service has made possible the introduction of a genuine flexibility of organization at comparatively frequent intervals. But it still remains true in England as elsewhere that the contact between the civil service, on the one hand, and the legislative assembly and the general public, on the other, is far too haphazard and incoherent. Here, it is probable, a great future lies before the advisory committee on which representatives of interests affected by the working of the departments shall have the opportunity of criticism and suggestion before the prestige of government is associated with the announcement of the result.

The characteristics of a civil service, which a French authority has described as permanence, hierarchy and profession, are probably fundamental to the proper performance of its work. The problem is to prevent the corporate degeneration of the civil service into a caste with a closed mind. There is no infallible method by which this can be accomplished. But it is possible, with experience, to indicate ways in which the degeneration can be minimized. (1) The political head of the department should be a person who has a permanent place in public life. He can then hope to acquire a sufficient knowledge of departmental operation to enable him to have a mind of his own. (2) The civil service should have direct and continuous contact with the representative public associations in order that public criticism of its work may be both well informed and coherent. (3) The retiring age of officials should be reasonably low. Otherwise the younger officials do not get the chance of really responsible work at a sufficiently early age, and the older become the prisoners of a routine. (4) There should be effective decentralization wherever possible. The more the official is brought into direct contact with the constituency he affects by his work, the more likely he is to be responsive to the need for innovation. Action and decisiveness require relation at the circumference; it is knowledge which demands centralization. (5) Efficient means should be organized for fairly frequent changes of work and for contact with foreign officials operating different systems. For an official in the diplomatic service, for example, to have direct experience of the League of Nations is both refreshing and a valuable exposure to novelty. (6) In the early years of service egress therefrom should not, as in England, involve penalty. It is always bad for a bureaucracy to retain officials who do not find their true vocation in their work but shrink from the financial loss which is a consequence of forfeiture of pension rights. (7) Organic connection with the legislature is of high value. In this aspect the British municipal system creates a relation between elected and appointed members which is far more satisfactory than that attained in the parliamentary system. (8) In the conferring of administrative discretion upon civil servants there should always be safeguards of full publicity for its exercise. Where the discretion is of a judicial nature such a system of controls as that indicated by the Supreme Court of the United States in McCall *v.* New York (245 U. S. 345) is important. The experience, further, of France and Germany suggests the value of the right to sue the state in tort as against the validity of the Anglo-American system of virtual administrative irresponsibility.

HAROLD J. LASKI

See: GOVERNMENT; ADMINISTRATION, PUBLIC; CIVIL SERVICE; PUBLIC OFFICE; ARISTOCRACY; NEPOTISM; CASTE; DEMOCRACY; INTERESTS; SPOILS SYSTEM; DELEGATION OF POWERS; JUDICIAL REVIEW; STATE LIABILITY; COMMISSIONS; EXPERT; CHANGE, SOCIAL.

Consult: FOR BUREAUCRACY IN THE GOVERNMENTAL SERVICE: Taylor, Henry, *The Statesman* (London 1836, reprinted Cambridge, Eng. 1927); Mohl, Robert von, *Staatsrecht, Völkerrecht und Politik*, 3 vols. (Tübingen 1860–69) vol. ii, ch. vi, sect. 2; Santangelo Spoto, Ippolito, *La burocrazia ed il governo parlementare*, Biblioteca di scienza politiche e amministrative, ser. ii, vol. viii (Turin 1898); Wallas, Graham, *Human Nature in Politics* (3rd ed. New York 1921) p. 255–81; Lefas, A. A., *L'état et les fonctionnaires* (Paris 1913); Weber, Max, *Wirtschaft und Gesellschaft*, Grundriss der Sozialökonomik, vols. i–ix (Tübingen 1914–29) vol. iii (1922) pt. iii, ch. vi; Salter, J. A., *Allied Shipping Control* (Oxford 1921); Laski, H. J., *A Grammar of Politics* (London 1925) p. 368–410; White, L. D., *Introduction to the Study of Public Administration* (New York 1926); Hewart, Gordon, *The New Despotism* (London 1929); Nitti, F. S., "La burocrazia di stato in Italia" in *La riforma sociale*, vol. x (1900) 458–75; Muir, Ramsay, *Peers and Bureaucrats* (London 1910) p. 1–94; Sharp, W. R., "The Political Bureaucracy of France since the War" in *American Political Science Review*, vol. xxii (1928) 301–23, and "Le développement de la bureaucratie aux États-Unis" in *Revue des sciences politiques*, vol. i (1927) 393–415, 539–54; MacMahon, A. W., "Selection and Tenure of Bureau Chiefs in the National Administration of the United States" in *American Political Science Review*, vol. xx (1926) 548–82, 770–811, and "Changes of Bureau Chiefs

in the National Administration of the United States" in *American Political Science Review*, vol. xxiii (1929) 383–403.

For Bureaucracy in Party Organization: Michels, Roberto, *Zur Soziologie des Parteiwesens in der modernen Demokratie* (Leipsic 1911), tr. by Eden and Cedar Paul as *Political Parties* (New York 1915) pt. ii, ch. vii.

For Bureaucracy in Trade Union Organization: Kopald, Sylvia, *Rebellion in Labor Unions* (New York 1924); Muste, A. J., "Factional Fights in Trade Unions" in *American Labor Dynamics*, ed. by J. B. S. Hardman (New York 1928).

For Bureaucracy in Business: Gablentz, O. H. von der, "Industriebureaukratie" in *Schmollers Jahrbuch*, vol. l (1926) 539–72.

For a Treatment of Bureaucracy in Fiction: Dickens' *Bleak House* and *Little Dorrit*; Anthony Trollope's *The Three Clerks*; Balzac's *Les employés*; G. Courteline's *Messieurs les Rondes-de-Ouir*; and Edward Shanks' *The Old Indispensables*, are amusing and informative.

BURGHLEY, LORD, William Cecil (1520–98), English statesman.

He came of a good Northamptonshire family and was educated at Cambridge and at Gray's Inn. He entered public service as Master of Requests during the reign of Edward VI and served that king subsequently as secretary and privy councilor. He participated actively in the establishment of Protestantism in England during Edward's reign, but found it prudent to accept Roman Catholicism when Mary reestablished the old faith in England. One of Elizabeth's first public acts was to create him principal secretary, an office which he held during the first thirteen years of her reign. In that capacity he was very largely responsible for the establishment of the Anglican church, for the direction of foreign policy and for the maintenance of internal order. He appears also to have been the queen's principal spokesman in the House of Commons. His great achievement during these critical years was to seat his mistress firmly upon her throne. In 1571 he was created Lord Burghley and in 1572 was appointed lord high treasurer. After that he was less concerned with the details of public administration, but he remained to the end of his life Elizabeth's most trusted adviser and had more to do than any one else except herself with the formulation of the royal policy both at home and abroad. He took a great interest in public finances, and though he did relatively little to improve the antiquated system of levying and collecting taxes he kept a close watch over royal expenditures and the conservation of royal resources. He did much also to encourage English trade, to stimulate English ship building and to develop English industry. He revealed little interest in colonization, and although he would gladly have had England participate in the wealth of the new world he opposed the piratical methods of Hawkins and Drake as likely to precipitate war. His foreign policy was directed primarily to the maintenance of peace and the promotion of English economic interests. While he encouraged Protestant rebels in Holland and France he steadily, though not always openly, opposed the efforts of Leicester and Walsingham and Essex to draw England into open war on their behalf. Before his death he contrived to establish his son, Sir Robert Cecil, as the queen's chief adviser.

Conyers Read

Consult: Froude, J. A., *History of England from the Fall of Wolsey to the Defeat of the Spanish Armada*, 12 vols. (London 1898–1901) vols. iv–xii; Pollard, A. F., *The History of England from the Accession of Edward VI to the Death of Elizabeth, 1547–1603* (London 1910); Cunningham, W., *Growth of English Industry and Commerce*, 3 vols. (6th ed. Cambridge, Eng. 1915–19) vol. ii, p. 53–84; Read, Conyers, "Walsingham and Burghley in Queen Elizabeth's Privy Council" in *English Historical Review*, vol. xxviii (1913) 34–58.

BURIAL CUSTOMS. *See* Death Customs; Funerals.

BURKE, EDMUND (1729–97), British statesman and political theorist.

Burke was one of the most eminent of those political thinkers who have devoted their main energies to the actual conduct of affairs. He was born in Dublin and after a good but desultory education at Trinity College, Dublin, he crossed to England to study law but abandoned it for literature and politics. He first attracted attention by a work entitled *A Vindication of Natural Society* (1756), a brilliant satire on Bolingbroke's recently published works devoted to a vindication of natural religion, wherein he showed how the arguments by means of which Bolingbroke had reduced Christianity to deism would, if applied to politics, reduce ordered society to chaos. In 1759 he initiated the invaluable *Annual Register* of outstanding events, which he continued to edit, and in the main to write, until 1788. In the same year (1759) he became secretary to a prominent member of Parliament, W. G. Hamilton, who shortly afterwards (1761) was appointed to the staff of the lord lieutenant of Ireland. This appointment took Burke back to his native city, and during his stay there (1761–64) he became convinced that the troublous condition of Ireland was due largely to the penal religious laws, to the commercial disabilities of the Irish, to the factiousness of its parliaments, to the corruption of its administration and to the absenteeism of its landlords. He never ceased throughout his public life to advocate reforms calculated to remove these evils.

A new and important stage in his career opened in 1765 when he was appointed private secretary to the Marquis of Rockingham, the official chief of the Whig party, who had just been summoned by George III to form a ministry. A seat in Parliament was also found for him before the close of the year. His political principles had already become fixed. He had acquired a profound admiration for the British constitution as determined by the revolution of 1688–89; he firmly believed in the government of the country by the landed aristocracy, of which class the Marquis of Rockingham was a splendid exemplar; he burned with a zeal for justice, a hatred of oppression, an enthusiasm for good administration, a devotion to religion. His immense intellectual power, the diligence with which he made himself master of every subject that he took up, the torrential eloquence wherewith he poured forth the wealth of his ideas, the insight that enabled him with unerring certainty to penetrate to the heart of every problem—these qualities soon gave him a unique position in the House of Commons and in the councils of his party. He speedily became, and for a quarter of a century (1765–90) remained, the formulator and interpreter of Whig policy to the world.

He had occasion to apply his principles to many practical problems of first importance. To begin with he had to defend the party or cabinet system of government against the system of administration by the monarch and the "King's friends" which George III—modeling himself on Queen Elizabeth—was trying to reintroduce. This defense he made in his *Observations on the Present State of the Nation* (1769) and in his *Thoughts on the Causes of the Present Discontents* (1770) with a masterly thoroughness which makes those works classics in English political philosophy. The second great question that claimed his attention was the controversy respecting taxation and representation which had broken out early in George III's reign between the American colonies and the mother country. Two speeches that he made in Parliament on this matter (April, 1774, and March, 1775) together with his *Letter to the Sheriffs of Bristol on the Affairs of America* (1777) constitute in Lord Morley's opinion the most admirable of all his utterances. Refusing to discuss the abstract rights of either the one side or the other he pleaded for a conciliatory policy in the interests of peace and prosperity. "The question with me," he said, "is not whether you have a right to render your people miserable, but whether it is not your interest to make them happy." His third great prepossession was the problem of the government of India, closely connected with which was the problem of the corruption of British politics by the overwealthy "nabobs" who returned from the East to buy up the pocket boroughs of the homeland. His prolonged attack on Warren Hastings may have been mistaken in detail, but it did much to impress all succeeding Indian administrators with a sense of their responsibilities.

The last great concern of his life was the French Revolution. His attitude of hostility to this epoch making event caused him to separate himself from many of his old associates and it finally led to the disruption of the Whig party. His famous *Reflections on the Revolution in France* (1790) was one of the most powerful and influential pamphlets ever written. He followed this up by other works in which he showed that precisely the same principles as had led him to oppose the policy of George III in England compelled him to condemn the revolutionaries in France. These principles were the organic nature of the state, the need of constant adaptation of institutions to circumstances, the peril of too sudden change and the imperative necessity of the recognition of the religious basis of society.

F. J. C. Hearnshaw

Works: *Works*, 16 vols. (new ed. London 1803–27); *Correspondence*, 4 vols. (London 1844); *Speeches*, 4 vols. (London 1816). A six volume edition of his works was published in the World's Classics (London 1906–20).

Consult: Prior, James, *Life of Burke*, 2 vols. (2nd ed. Boston 1854); Morley, John, *Burke* (2nd ed. London 1888); Newman, B., *Edmund Burke* (London 1927); Stephen, Leslie, *History of English Thought in the Eighteenth Century*, 2 vols. (3rd ed. New York 1902) ch. x; MacCunn, J., *The Political Philosophy of Burke* (London 1913); Vaughan, C. E., *Studies in the History of Political Philosophy before and after Rousseau*, 2 vols. (Manchester 1925) vol. ii, ch. i; Cobban, Alfred, *Edmund Burke and the Revolt against the Eighteenth Century* (London 1929).

BURLAMACHI, PHILIP (died in 1644), merchant-banker and diplomatic agent. He was born in France of Italian stock. Entering into partnership with his wife's family, the Calandrini, he became the head of a banking association which spread a network of agencies over Europe. About 1605 he settled in England, where he soon achieved prominence as financier and merchant. Between 1614 and 1633 he was the chief financial agent of the English government. His connections in northern Germany enabled him to act as paymaster and contractor for the various English expeditions which took part in the earlier stages of the Thirty Years' War. He paid and received for the home government large sums in the European capitals, was the paymaster of ambassadors and arranged for the pawning of the crown jewels in Amsterdam. After his naturalization in 1624 he became influential in Whitehall as the most active member of the select community of merchants which supplied the Exchequer with funds in anticipation of revenue. When phenomenal success as a lender led him to borrow money as a deposit banker he overreached himself and failed in 1633 with the crown as principal debtor. His bankruptcy produced a minor financial crisis in western Europe. Burlamachi was one of the first to devise a scheme for an English public bank. His plan, which never found its way into print, proposed an institution to furnish deposit facilities for traders and to provide means for "the payment of all considerable sums which are negotiated"; it was apparently to be supported by the credit of the city of London.

A. V. JUDGES

Consult: Judges, A. V., "Philip Burlamachi: a Financier of the Thirty Years' War" in *Economica*, vol. vi (1926) 285–300.

BURLAMAQUI, JEAN JACQUES (1694–1748), Swiss jurist, an adherent of the law of nature school and its greatest exponent outside Germany. His *Principes du droit naturel* (Geneva 1747) begins with a study of the nature of man considered as morally responsible and subject to law. Burlamaqui then attempts to establish the origin of rights in general. He discusses the norms of conduct, which he regards as derived from reason, the nature and origin of obligation, law as a system of reciprocal rights and duties, the nature of rules of law and the basis of sovereignty. He analyzes natural law and seeks to prove its existence, deducing it from the divine order, moral instinct and reason. The *Principes du droit politique* (Geneva 1751) treats of the origin and nature of civil society, forms of government, the transitions of sovereignty and the reciprocal duties of sovereigns and subjects. Here Burlamaqui examines specifically the legislative, religious, punitive and economic rights of the sovereign. Although he favors absolute power and hereditary monarchy he regards a popular assembly as capable of changing the existing ruler. Finally, in dealing with international law, he discusses the foreign rights of the sovereign, the rights and necessities of war, public treaties and the privileges of ambassadors. Burlamaqui consistently maintained that international rights are nothing more than natural law.

ROBERT REDSLOB

Works: The two books mentioned above were republished as one work, *Principes du droit naturel et politique*, 3 vols. (Geneva 1763), tr. by Nugent, 2 vols. (rev. ed. London 1763); they have also been translated into Spanish and Italian. The most notable editor and commentator of Burlamaqui has been Fortunato Bartolomeo de Félice, who published an enlarged edition, 8 vols. (Yverdon 1766–68), which was again revised by Dupin, 5 vols. (Paris 1820–21).

Consult: Rivier, A., "Litterarhistorische Uebersicht der Systeme und Theorien des Völkerrechts seit Grotius" in Franz von Holtzendorff's *Handbuch des Völkerrechts* (Berlin 1885) vol. i, p. 433–35, and further authorities cited there.

BURLINGAME, ANSON (1820–70), American diplomat. Burlingame was born at New Berlin, New York, and later settled in Massachusetts. He was elected to Congress in 1855 and became known as an orator and as a leader of the antislavery forces in the House. After his defeat for reelection in 1860 he was appointed minister to Vienna, but his earlier advocacy of the Sardinian cause had offended the Austrian government and the appointment was changed to China. As minister to China, from October, 1861, until November, 1867, he made for himself a lasting place in the annals of American diplomacy. His generous disposition won the confidence of the imperial officials and also of his British, French and Russian colleagues. Largely because of Burlingame's influence with his fellow diplomats his six years in China saw an abatement of the aggressive tactics which previously had characterized the policies of the western powers. In November, 1867, Burlingame resigned his post and accepted appointment as head of a Chinese mission to America and Europe. Pleading for a policy of "fair play for China" he succeeded in concluding at Washington in 1868 a supplementary treaty between China and the United States, recognizing the territorial integrity and sovereignty of China and the right of free immigration. With the large increase of Chinese immigration into California this last provision was later to become the cause of serious friction between the United States and China. In London Burlingame was able to counteract the influence of the "old China hands" and to effect a complete reversal of Britain's past policy in China. The mission was cordially received at Paris, Berlin and St. Petersburg and Burlingame succeeded in evoking more considerate treatment for the Chinese empire.

G. Nye Steiger

Consult: Williams, F. W., *Anson Burlingame and the First Chinese Mission to Foreign Powers* (New York 1912).

BURNET, GILBERT (1643–1715), British historian and ecclesiastic. Burnet was born in Edinburgh, studied divinity and became professor of theology at the University of Glasgow. In 1674 he settled in London where as one of the most eloquent preachers of his generation and as a vigorous pamphleteer he consistently pursued a broad church policy. His lifelong advocacy of tolerance and his activities in behalf of Scotch Presbyterians and English Nonconformists may be traced not to a judicial temperament but to a belief that there were good men among the subscribers to all creeds. On the death of Charles II, since he had by his independence incurred the displeasure of James, he retired to Paris and later to The Hague. He won the confidence of William and Mary, translated and recast William's *Declaration* and crossing with him to England published an able defense of the revolution. He was rewarded in 1689 with the bishopric of Salisbury.

As a historian Burnet was something of a pioneer. For his *Memoires of the Lives and Actions of James and William, Dukes of Hamilton and Castleherald* (London 1677, new ed. Oxford 1852) he ransacked the available source material, printing many documents. He pursued the same course in his *History of the Reformation of the Church of England* (3 vols., London 1681–1715; new ed. by N. Pocock, 7 vols., Oxford 1865). Although full of inaccuracies and prejudices it was an endeavor not merely to narrate events but also to show underlying ideas and social forces, and in both method and aim provided a model for later writers. In the *History of His Own Time* (ed. by Thomas Burnet, 2 vols., London 1724–34; new ed. by O. Airy, with supplementary volume ed. by H. C. Foxcroft, Oxford 1897–1901), Burnet's most important work, he hoped to supply a handbook for statesmen while justifying the ways of God to man. He succeeded in producing an inimitable account of the shifting political scene he knew so well.

Louise Fargo Brown

Consult: Clarke, T. E. S., and Foxcroft, H. C., *A Life of Gilbert Burnet, Bishop of Salisbury* (Cambridge, Eng. 1907).

BURNETT, JOHN (1842–1914), British labor leader. Burnett first won prominence in 1871 as leader of the rank and file struggle for a nine-hour day in the Newcastle area. Although his election as secretary of the Amalgamated Society of Engineers in 1875 reflected a growing dissatisfaction with the staid craft union policy of the national unions, Burnett adopted in the main the traditional policy of his organization. An efficient negotiator, he was unable, however, in the prolonged trade depression of the decade, to do much more than maintain union membership and the nine-hour day. As a member of the Parliamentary Committee of the Trade Union Congress from 1876 to 1885 Burnett followed its policy in opposing independent political action by labor, and as its representative at the International Labour Congress in Paris, 1883, he supported a movement for non-political international craft organization. He was thus truly representative of the mid-Victorian phase of the British labor movement and out of harmony with the "new unionism" of the nineties.

In 1886, no doubt in recognition of his personal qualifications as one of the leaders who had contributed to the public acceptance of trade unionism, Burnett was appointed to the newly created post of Labour Correspondent to the Board of Trade. He held this office, which was later transferred to the Labour Department, until 1907. He was responsible for valuable reports on sweating (Great Britain, Board of Trade, *Report . . . on the Sweating System in Leeds*, Parliamentary Papers by Command, C-5513, London 1888, and *Report . . . at the East End of London*, Parliament, House of Commons, 331, London 1887) and on alien immigration into the United States (Great Britain, Board of Trade, *Alien Immigration*, Parliamentary Papers by Command, C-7113, London 1893). It was largely through his initiative that the government for the first time began the collection of reliable information on trade unions and on strikes and lockouts.

H. L. Beales

BURRITT, ELIHU (1810–79), American advocate of peace. His chief contributions to pacifist propaganda lay in his utilization of data from the social sciences and in his development of a technique of organization and publicity. Without abandoning the emphasis which his predecessors in the peace movement had given to moral and religious arguments against war, Burritt found new arguments in comparative philology, geography and economics. The evidence of related word forms and common roots corroborated for him the religious and humanitarian belief in the solidarity of mankind. Geographical studies convinced him that the unity of the globe and the interdependence of its parts made war an utterly irrational institution. He was among the first to see the importance of enlisting for the peace movement the support of free traders and laborers; as early as 1850 he urged workingmen "to unite and refuse to fight" ("The World Workingman's Strike against War" in his *Ten-Minute Talks*, Boston 1874). His *Year-Book of the Nations* (1855–56) was an able statistical analysis of the economy of the war system. In the field of jurisprudence he popularized the plan of William Ladd for a congress and court of nations, and labored successfully for the organization of representative jurists into a society for the codification of international law.

Burritt was the first pacifist to attempt on a large scale the organization of public opinion in the interest of peace. At critical points in international affairs he tried to propitiate mutual antagonisms by organizing in the countries concerned citizens' meetings for exchanging "Friendly Addresses"; during the Oregon crisis and the Anglo-French crises of 1848 and 1852 this "people's diplomacy" attracted wide attention. He was also the first who on a large scale utilized the press in furthering the cause of peace, inserting in almost forty daily newspapers of Europe incisive bits of peace propaganda. These "olive leaves"—blind advertisements—reached for several years perhaps a million readers each month. In 1848 he organized at Brussels the first international peace congress and was largely instrumental in the organization of those which followed in other European cities.

Burritt believed in the unity of all reforms designed to improve human relations and to remove misunderstandings and conflict between social groups. Therefore in 1853 he made a five thousand mile lecture tour in behalf of Ocean Penny Postage. He did something to realize his plan of "assisted emigration" from Europe to America. From 1855 to 1861 he sought to avert civil war in the United States by devoting his energy, enthusiasm and slender resources to a campaign for compensated emancipation of the slaves.

Merle E. Curti

Consult: *Elihu Burritt; a Memorial Volume*, ed. by Charles Northend (New York 1879); Curti, Merle E., *The American Peace Crusade 1815–1860*, vol. i– (Durham, N. C. 1929–) especially ch. vii.

BURT, THOMAS (1837–1922), British labor leader. He came from a family of Methodist, Chartist, trade union traditions; at the age of ten he entered the mines and in adolescence began a process of systematic self-education, reading Wordsworth, Ruskin, much contemporary American popular philosophy, and finding in Adam Smith and J. S. Mill support for his belief in trade unionism. In the later sixties he turned a bankrupt organization into a miners' union comprehensive of the whole Northumberland coal field and recognized by the employers. He played an important part in the development of arbitration into a permanent machinery for pacific negotiation and in the adoption of sliding wage scales based on the selling price of coal. In 1874 he was elected to Parliament by Morpeth, a constituency swamped by newly enfranchised miners, and supported Gladstone, in whom he saw the champion of social, religious and legal equality. He held minor office, was made privy councilor and became "father" of the House of Commons.

After 1890 he was attacked with increasing bitterness by a younger generation of confessedly socialist beliefs, the ground chosen for their attack being his opposition to their demand for a state enforced minimum wage and state control of working hours and his persistence in an outworn faith in trade union bargain. His main work was the construction of a powerful but pacific union, the perfecting of machinery for industrial agreement and demonstration to a country of predominantly upper class leadership of the possibilities of democracy free from demagogic violence.

E. Welbourne

Consult: Burt, Thomas, *An Autobiography*, with supplementary chapters by Aaron Watson (London

1924); Welbourne, E., *The Miners' Unions of Northumberland and Durham* (Cambridge, Eng. 1923).

BURY, JOHN BAGNELL (1861–1927), English historian. From Foyle College, Londonderry, Bury entered Trinity College, Dublin (1878), and in 1880 spent six months at the University of Göttingen. In 1885 he obtained his fellowship at Trinity College. At the age of thirty-two he was elected professor of modern history and five years later regius professor of Greek in Trinity College, thus holding two chairs contemporaneously. In 1902 he was appointed regius professor of modern history in the University of Cambridge, a position which he held until his death.

Bury approached the study of history through his interest in classical philology, and the philological method left a clear mark upon his historical work. He made a permanent contribution to our knowledge of the later Roman Empire and of the Byzantine period. In addition to many articles in the *English Historical Review*, the *Journal of Hellenic Studies*, the *Byzantinische Zeitschrift* and other scholarly publications he was the author of an important introduction to volume iv of the *Cambridge Medieval History* and of three masterly books, *A History of the Later Roman Empire from Arcadius to Irene, 395 A.D.–800 A.D.* (2 vols., London 1889), *A History of the Eastern Roman Empire from the Fall of Irene to the Accession of Basil I, A.D. 802–867* (London 1912) and *History of the Later Roman Empire from the Death of Theodosius I to the Death of Justinian* (2 vols., London 1923).

A keen student of philosophy, especially that of Hegel, Bury was a convinced monist and rationalist; he attacked Christianity and other forms of theism as demanding of their followers a faith which reason could not justify. "There is nothing for it but to trust the light of our reason. Its candle power may be low, but it is the only light we have." Bury contributed frequently to the *Annual* of the Rationalist Press Association, and it was this philosophical interest which led him to write his *History of Freedom of Thought* (London 1913).

Yet Bury had his own faith, the belief in progress, which inspired his industrious life. This belief is founded on "an interpretation of history which regards men as slowly advancing in a definite and desirable direction, and infers that this progress will continue indefinitely." It thus implies that "a condition of general happiness will ultimately be enjoyed which will justify the whole process of civilization" (*The Idea of Progress*, London 1920, p. 5). Further, the development must be conceived as necessary and certain; the theory would have little value or significance if future progress depended on chance or the unpredictable discretion of an external will. The historian's task is to contribute toward the ultimate synthesis of man's past which shall unify the process of the ages. History is not the dossier of an incompetent Providence, but the record of an uphill struggle in which the race of mankind, although heavily handicapped, has accomplished wonders.

NORMAN H. BAYNES

Consult: Baynes, Norman H., *A Bibliography of the Works of J. B. Bury, compiled with a Memoir* (Cambridge, Eng. 1929).

BUSCH, ERNST (1849–93), German writer on the theory of the cooperative movement. His three works, *Die Soziale Frage und Ihre Lösung* (Berlin 1890), *Der Irrtum von Karl Marx* (Basel 1894, 2nd ed. Stuttgart 1908) and *Ursprung und Wesen der wirtschaftlichen Krisis* (Leipsic 1892), all deal with the differences between the socialistic and the cooperative approach to the solution of the social question. Busch traced inequality of distribution to the process of exchange rather than to the system of production. He rejected the theory of class struggle and opposed the intervention of the state in economic affairs. He believed that through the cooperative organization of consumption it would be possible for the workers to effect a transformation of the modern capitalistic system. His doctrines provided the cooperative movement with a broader theoretical basis and exerted a considerable influence upon the German Social Democrats, whose attitude toward the cooperative movement had been indifferent or hostile. His influence extended to other countries, especially Switzerland and Austria.

V. TOTOMIANZ

Consult: Totomianz, V., *Konsumentenorganisation: Theorie, Geschichte und Praxis der Konsumgenossenschaften* (3rd ed. Berlin 1929) p. 19–25; Mülberger, Arthur, introduction to the second edition of *Der Irrtum von Karl Marx*, p. 5–15.

BÜSCH, JOHANN GEORG (1728–1800), German economist. Trained primarily in the natural sciences Büsch served after 1767 as the director of the commercial school at Hamburg, now known as the Büsch Institute. He was active in every movement for social progress and left twenty-eight works on technological, historical, legal and economic subjects. He was one of the leading precursors of German economic science.

As an economist Büsch was significant especially for his opposition to eighteenth century mercantilism and his advocacy of a more liberal economic policy. He favored a limited system of free trade and declared that an international division of labor would improve the material welfare of mankind more quickly than the most flourishing economic development under conditions of national isolation. Accordingly he opposed the artificial stimulation of domestic industries but supported an educational protective tariff, thus anticipating Friedrich List in this as at many other points. Büsch disliked chartered companies because they easily became monopolistic, and demanded the regulation of competition in international trade by a system of commercial treaties. Having coined the German term for carrying trade (*Zwischenhandel*) he was one of the first to appreciate the true importance of this branch of economic activity. In internal affairs he stood for unrestricted competition in trade, freedom of industrial occupation and modernization of the agrarian regime by gradual reform. He welcomed the machine as an agency for the promotion of mass consumption. Among other things he advocated the improvement of commercial law and the establishment of special commercial courts.

Büsch's economic system centered about his theory of monetary circulation. Regarding money as a medium of exchange and as a standard of value, he opposed the quantity theory. He believed that division of labor is produced by the circulation of money and attempted to refute the opposite view of Adam Smith. Similarly the velocity of circulation rather than the absolute quantity of money determined for Büsch the prosperity of a country. One of the earliest German writers on banking, he held that banknotes are merely certificates of deposit, although he realized that they need not be fully covered, and declared that the function of deposit and transfer banks (*Girobank*) is to simplify payments. He also broached the subject of a single international monetary unit. This interest in monetary circulation was reflected even in his writings on taxation, in which he upheld the taxation of current income rather than of property and showed that the money withdrawn in taxes is returned through the employment by the government of its subjects.

KURT ZIELENZIGER

Important works: *Abhandlung von dem Geldumlauf*, 2 vols. (Hamburg 1780, 2nd ed. 1800); *Sämtliche Schriften über Banken und Münzwesen* (Hamburg 1801); *Theoretisch-praktische Darstellung der Handlung in deren mannigfaltigen Geschäften*, 2 vols. (Hamburg 1792, 3rd ed. 1808); *Kleinere Schriften von der Handlung und anderem gemeinnützigen Inhalte* (Leipsic 1772); *Handlungsbibliothek*, together with C. D. Ebeling, 3 vols. (Hamburg 1785–97).

Consult: Nölting, J. H., *Joh. Georg Büsch* (Hamburg 1801); Roscher, Wilhelm, *Geschichte der Nationalökonomik in Deutschland* (Munich 1874) p. 559–76; Sieveking, Heinrich, "J. G. Büsch und seine Abhandlung von dem Geldumlauf" in *Schmollers Jahrbuch*, vol. xxviii (1904) 77–115, 559–98; Biensfeldt, J., *Johann Georg Büsch* (Erlangen 1910).

BÜSCHING, ANTON FRIEDRICH (1724–93), German writer on economics, statistics and geography. He was the founder of comparative political statistics. His *Vorbereitung zur gründlichen und nützlichen Kenntniss der geographischen Beschaffenheit und Staatsverfassung der europäischen Reiche und Republiken* (Vienna 1758; 6th ed. by G. P. H. Loumann, Vienna 1802) was the first work to abandon the method of treating countries individually and to make a comparative study of the population, territory, government and particularly of the economic aspects of national life. His monumental work is the *Neue Erdbeschreibung* (13 vols., Hamburg 1754–1807; tr. in part by P. Murdoch as *A New System of Geography*, 6 vols., London 1762), ten volumes of which he completed before his death. It contains statistical and other information on the resources, industry, political systems and general culture of all the countries described; it initiated the politico-statistical method in geography. Büsching also founded and published twenty-three volumes of the *Magazin für die neue Historie und Geographie* (1767–93). The first periodical to deal with politico-statistical material, it furnished valuable statistical data on the political conditions of various states.

HELLMUTH WOLFF

Consult: John, V., *Geschichte der Statistik* (Stuttgart 1884) p. 90–95; Roscher, Wilhelm, *Geschichte der Nationalökonomik in Deutschland* (Munich 1874) p. 465–66.

BUSINESS is a term which etymologically means the state of being busy and hence tends to become identified in meaning with whatever there is to be busy about. This accommodating quality makes it impossible to compile a reasonably compact group of generalizations to cover the manifold senses in which the term is used in the literature of the social sciences. Even in the relatively restricted field of economics it is frequently employed in a comprehensive sense to designate any activity directed toward gaining a livelihood.

While its use is extremely catholic the term business is nevertheless commonly associated with a system by which the process of profit making organizes and directs economic activity. Sometimes it is employed to indicate the immediate aim of profit seekers, as when the expression, "this is a business transaction," differentiates the dealing from one involving motives other than the acquisition of profit. It is also used extensively to designate methods currently employed in the process of profit making, such as financing, purchasing and selling, regardless of whether or not they are specifically directed to profit making. Religious societies, cooperative associations, departments of government and members of professions dedicated to purposes other than the realization of profit are customarily described as being engaged in business in so far as they use methods associated with the process of profit making.

The peculiar nature of business can be readily understood by contrasting it with other systems by which economic activity might be organized and directed. In any community there is a great array of physical, mental and mechanical processes by which human and material resources are converted into commodities and services for human use. The carrying on of these processes is economic activity. This activity might be under the supervision of a military dictatorship directing every phase according to calculations of what would constitute the most effective military establishment. In war time economic activity is generally brought in some degree under such a type of control. There might be dictatorship by a religious organization exercising a similar supervision according to standards believed to promote righteousness. There were traces of such a type of control during the Middle Ages. On the other hand economic activity might be organized and directed by government officials with the object of apportioning its burdens and benefits equally among the members of the participating group. This is one of the plans with which the term socialism is associated. In contrast to these methods business is a system whereby economic activity is controlled by those seeking a profit or surplus above the cost of making goods and services available for human use. In such a system there is not necessarily a central agency for planning and coordination, since its only essential is the possibility of profit making and its potential scope that range of economic activity adapted to such a purpose.

The prerequisites of business are: the existence of some standard, however crude, upon which to base calculations of profit possibilities; enough security through recourse to physical force or law to permit a course of action based upon such calculations; and an accumulation of products beyond immediate consumption requirements. So long as people are dependent for their livelihood upon the direct consumption of all they produce, business cannot exist because there is no place for profit making. Thus business is dependent upon something akin to capitalism in its requirement of an accumulated store of products, but its emphasis is upon the use of these products for profit making rather than for further production.

It does not follow of course that if these prerequisites have been fulfilled a business system will automatically spring into being. Nor does it follow that the general use of devices commonly associated with business involves commitment to a business system. It is essential to the existence of such a system not only that there be fulfilment of the prerequisites enumerated but also that these resources be directed to the end of profit making, a process which necessarily involves the use of business devices. It is in the combination of these three, to which direction is given by the desire to make profits, that a business system emerges.

Originated at some time prior to that disclosed by written records, business was already highly developed in what we are accustomed to call the ancient world. An extensive maritime and merchandising trade was controlled by a profit making system which in the Roman Empire had come to include both banking, as a money changing process, and elaborate machinery for speculation and investment. With the collapse of the Roman Empire this business system was virtually wiped out in northern and western Europe, but in the area controlled by Constantinople a substantial trade tapping the Orient and the western Mediterranean continued to be organized and directed by profit seekers. After the crusades the center of the business system gradually shifted to the Italian cities and later to Holland, where through steady advance in profit making machinery its modern expansion began.

The story of this expansion in all of its ramifications is little less than the story of the rise of modern western civilization. Christian churchmen contributing to whole souled pursuit of profit by reconciling personal gain with piety; explorers finding new lands and armies clearing the way for traders; kings fighting with princes and popes to establish national states and then with parliaments to hold their power; philosophers inventing or rediscovering theories of "natural rights" and "individualism"; scientists experimenting with microscopes, steam and electricity; lawyers perfecting devices for controlling property; all have important places in the story of the development of modern business—a story so vast and complex that it has never been put together in a complete and moving whole.

In paving the way for the modern business system three developments each with its own extensive history seem to have been of peculiar significance. The first was a commercial revolution which, gaining momentum during the fifteenth and sixteenth centuries largely as a result of the discovery of the Americas, expanded commerce from what was primarily traffic in luxuries to that in homely products for consumption by masses of people and created a large group of prosperous traders skilled in the ways of profit making. The second development was the industrial revolution, hastened by the pressure which the earlier commercial expansion had placed upon methods of production, precipitated by a series of mechanical inventions in England in the eighteenth century and still continuing its course with no evidence of waning vigor. The third was the elevation of the doctrine of laissez faire—that competition can be trusted to guide economic activity to socially desirable ends—to the position of a dominant social policy during the eighteenth and nineteenth centuries. The commercial revolution built the framework for a national and international business system but one that was definitely limited by the manageability of crude industrial processes. The industrial revolution removed this limiting factor; and widespread faith in the doctrine of laissez faire at least as a domestic governmental policy resulted in sanctions favorable to business expansion.

Before the mechanical inventions of the eighteenth century formally ushered in modern industrialism, many of the devices associated with modern business control of economic activity were known. A wage system had been used by profit making enterprises in the Roman Empire; accounting was quite highly developed by the Italians in the fifteenth century; insurance was being extensively used by Dutch business enterprises in the sixteenth century. The operation of a type of reserve banking system by London goldsmiths in the middle of the seventeenth century was followed by the establishment of the Bank of England in 1694; and prior to the middle of the eighteenth century stock speculation—much of it in various kinds of "bubbles"—was being extensively practised. The coming of industrialism, however, not only opened vast new avenues for profit making but also made possible a great extension of business control and its concentration on a much larger scale in individual enterprises. It is not so much the devices generally associated with modern business control of economic activity—wage systems, corporate investment, credit, etc.—that give it its distinctive character but rather the scope, power and pervasiveness of the system made possible by modern industrialism with its machine technique.

In the ancient world and throughout the Middle Ages in Europe business was confined largely to what would now be classified as finance and commerce as opposed to industry. Agriculture and the fabricating of goods were organized for the most part along lines other than those directed primarily toward profit making. With the expansion of trade during the commercial revolution there was a steady extension of business control to industry, notably in the field of textile production; but it remained for sweeping changes in industrial technique, particularly concentrated in England toward the end of the eighteenth century, to remove important physical barriers to any general invasion of industry by business.

The extension of the business system, however, was gradual and in extent has varied widely from country to country and in the various branches of economic life within countries. In England conditions during the latter part of the eighteenth century were singularly propitious for its rapid spread. The previous expansion of trade had placed funds at the disposal of people alert to profit making possibilities. Enclosures of agricultural lands for sheep raising had driven large numbers of people off the soil and created a floating population desperately in need of a chance to make a livelihood. Many of the raw materials essential to industrialism were at hand. The view that the rich and poor alike should for the general good be required to look out for themselves in the struggle to make a living was in its ascendancy among those in power. Consequently when ways were discovered to apply power to tools, concentrate workers in factories and speed up transportation to steadily growing markets the path was already largely cleared for a rapid expansion of the business system. On the continent of Europe and in the United States the spread of business control to industry was much slower than in England. On the continent the Napoleonic and revolutionary wars put a blight on economic development over large areas, and social, economic and legal arrangements peculiar to various countries also held back the expansion of business control. In Germany, for example, a survival of certain important phases of the guild system of production as well as a demoralizing lack of political unity contributed to retard the development of large scale industrialism under business control long after it was extensively under way in England. In France among many factors contributing to a slower expansion of the business system was the continuing opportunity for workers to be relatively secure in tilling the soil, one of the activities less adapted to business control. In the United States the development of business was retarded relatively to England by the existence of a great frontier upon which successive waves of settlers advanced to carry on a system of production designed in substantial measure for direct use rather than for profit. The business system had however been expanding almost from the day the first European settlers arrived, favored not only by social and legal arrangements but by an abundance of resources for profit making. The passing of the frontier by closing the most general alternative to direct participation in a business system made it possible for that steadily expanding system to gain undisputed control over the economic life of the nation.

It is only in a general sense that the economic life of any community can be said to be controlled by business. Much of the economic activity in the United States, such as that of the government, of the churches or of housewives, is not motivated by the desire for profit, while in Russia, a country formally committed to a type of socialism, a large share of economic activity is controlled by the process of profit making. Thus in referring to the economic life of a community as controlled by business one means only that the profit and loss calculus of that system is dominant and that even those who do not participate directly in the effort to make profit must pay heed to it. This is peculiarly true of the United States where business, much more retarded in its initial development than in England, has not only come to dominate the economic life of the nation but has reached over national borders to confound other nations with its strength, vigor and firm devotion to its major objective, profit.

In spite of the extensive development of business in the United States it is still possible to study currently its most primitive stages in the production and barter of natural products for profit; and individually owned profit making establishments operating on a very small scale are still abundant. With the advance of industrialism, however, business has been increasingly taken over by corporations engaged in producing highly specialized goods and services for national and international markets. Manufacturing corporations gather equipment and material from all parts of the world through enterprises specializing in mining, agriculture and transportation; they convert this material into standardized products, sometimes relying on the coordinated activity of hundreds of thousands of factory workers; and they dispose of these products through business organizations engaged in advertising, wholesale and retail trade, each with its specialized body of workers. Such operations are typically financed through investment and commercial banking enterprises linked in national and international systems of their kind, and may depend for their ultimate success on purchases by hundreds of thousands or even millions of consumers. In such a sequence of operations a serious upset at any point is reflected with varying degrees of intensity throughout the whole system of enterprises. The failure of an enterprise supplying raw material or a breakdown in transportation may result almost immediately in unemployment of factory workers and in a consequent falling off in consuming power reacting through a connected chain of enterprises engaged in wholesale and retail trade and affecting the welfare of countless persons in no way responsible for the initial disturbance. This delicate adjustment of highly specialized enterprises, dependent for their individual success not only upon the coordination of vast and complicated processes but also upon the effective cooperation of a great chain of interdependent enterprises and shaping the welfare of armies of workers, consumers and investors by their performance, is an outstanding characteristic of the modern business system and differentiates it markedly from business prior to the coming of modern industrialism.

In accounting for the fact that profit making is allowed to control such a delicately adjusted economic structure requiring a high degree of cooperation for successful performance, reference is generally made to the sanctions and restraints of a "system of free private enterprise" of which profit making is a part. This system, in one sense a working model of the doctrine of laissez faire, has as its key elements the institutions of private property, contract, profit making and competition. The institution of private property roughly speaking fixes the ownership of the resources coming within its scope and the rights attached to that ownership. By contract or agreement freely entered into by two or more parties to their mutual satisfaction machinery is provided for bringing property and those who are to use it into a dependable relationship. It is largely through contract in the broad sense of the term that property in all its countless forms is entrusted to the process of converting human and material resources into products and services for human consumption, that labor is obtained and that these products and services are ultimately disposed of.

The opportunity to make profit is depended upon to induce those having control of human and material resources through ownership of property or through contract to put the resources to work producing goods and services. And competition is the force primarily relied upon to hold profits within reasonable limits, to protect all those involved in the system from exploitation, to prevent any of them from making unreasonable exactions for their property or labor and to knit the process by which people gain a livelihood into a smoothly and steadily working whole.

Viewed as part of a system of free private enterprise, business is a set of arrangements providing those participating in it with rewards proportionate to their contributions to the production of goods and services and making these goods and services available for consumption on the best possible terms. But from the point of view of those engaged in business as profit seekers, generally called "business men," the acquisition of profit is an end in itself, if for no other reason than that failure to acquire it threatens their elimination from the ranks of the profit seekers. The difference between the conception of business as a device for providing human beings with the means of livelihood and as a way of acquiring profit represents the essential difference between economics and what is commonly described in the United States as the science of business. Thus profit, the mainspring of business, is treated by economists as a payment for performing some function, positive or negative, in the process of providing goods and service. Profit from the viewpoint of the science of business, however, is the difference between the receipts and expenditures of a profit making enterprise, to be treated as an end in itself.

To the extent that business dominates economic activity it is economical to have it carried on with a minimum waste of human and material resources, and if a balanced competitive situation exists this way may also be the most profitable. It is largely on the assumption that success in profit making and economical utilization of human and material resources go hand in hand that public funds have been extensively appropriated in the United States for studying and teaching ways of profit making. The assumption may or may not be true in the case of any particular effort to make profit. There is no certain and necessary relationship between "sound business"—that which gives profit seekers a satisfactory margin between expenses and receipts—and socially economical management.

While those directing profit making enterprises are given an initial control over business, in so far as it is a part of a larger system of free private enterprise the extent of this control is dependent upon the bargaining ability of all the various participants. Thus if laborers are in a strong bargaining position they can presumably obtain a relatively large share in the control exercised over business and a relatively large share of the income gained by profit seeking enterprises in which they participate. Likewise consumers have a potential control over business through their power to discriminate in purchasing. It has not however been the history of business under a system of free private enterprise that control over it has been seriously compromised by wage workers or consumers. Those directing profit making enterprises have as a group maintained firm control over the system and have been consistently successful in using this control to obtain relatively large incomes.

This success has been reflected in the general conception of what constitutes being "in business" or having a business career. All those who spend their working lives in a business system whether as common laborers or as executives of great corporations have business careers. Those who earn their living by working for wages paid by profit making enterprises are no less committed to business than are those who direct their labors. However, because the control of the business system is lodged with those directing profit making enterprises, it has become customary to associate a career in business with the acquisition of profit or what might be termed the profit controlling side of the system.

With the increasing direction of business by employees of large corporations the difficulty of formulating any concise conception of an individual business career has been enhanced. Before the widespread application of the corporate device such a career was envisaged as one in which the owner of property whether in the form of money, materials or equipment put it to use for profit making under personal direction and personally pocketed the gains or bore the losses. Such an individual was the type of entrepreneur of eighteenth and early nineteenth century economic literature. While small retail shops, many farms and some substantial industrial enterprises are still conducted on such a basis, the dominant type of business organization at present is the corporation to which owners commit their property by contracts of limited liability to be used by hired workers ranging from unskilled manual laborers to highly trained specialists. Under such circumstances the difficulty of specifically identifying any group as peculiarly occupied with business careers is obvious. The process of profit making is clear, but the point at which an employee moves across the line that separates the "hired help" from those having business careers is difficult to locate. That there is such a line determined roughly by the degree of individual indispensability to a profit making enterprise is none the less true.

Because of their key position in a system which constrains all participants to pursue a course directed toward personal gain and because of their success in following such a course, those in the United States who control large profit making enterprises enjoy what is probably a greater prestige than that of any other group. In older countries where there are continuing systems of aristocracy based upon birth or royal favor success in business is somewhat less of an end in itself.

The marked material success of those in control of business in the United States is responsible in part for the widespread adoption of business devices and methods by enterprises not designed to make profit. Advertising has come to be used by religious establishments for what is not infrequently described as "selling the Lord's message"; departments of government and school systems make wide use of business methods in such operations as purchasing supplies and equipment, directing the work of employees and accounting for funds. It is true that since profit making dominates economic activity in the United States nonprofit making establishments in dealing with enterprises conducted for private gain are sometimes forced to adopt such methods for self-protection. However, the stronger factor in the situation is the conviction that such methods are efficient. It is this idea of efficiency that generally underlies the much voiced demand for "more business in government," a demand which usually means that the government in expending funds on operations designed to promote the public welfare should more generally use the criteria and methods associated with profit seeking.

The prestige and power of successful business men in the United States also contributes to a movement of uncertain proportions and meaning to "make business a profession." An important contributing factor is the growing recognition that competition is neither a certain nor a consistently satisfactory regulator of the business system. This realization led to a formidable trade association movement in which competition is tempered by cooperation; it gave force to the contention by some business leaders that there must be a compensating control in the form of a professional attitude to obviate the necessity of more formal control by the state. What is generally meant by such a professional attitude is recognition that profit making is not an end in itself but a way of providing people with a livelihood and that profit seekers should formally accept a social responsibility in directing the process. Some conceptions of business as a profession include no more than a vision of a body of specialists trained in the ways of profit seeking, having group standards of performance and enjoying public recognition in this capacity; but the predominant idea seems to be that of making the widely circulated business motto, "he profits most who serves best," dependent upon a professional code of binding force rather than upon a variable factor of individual good will and the exigencies of competition.

As business has increased in scope and power, governments have supplemented the earlier policy of fostering and protecting it by the adoption of a great variety of measures designed to direct it to social ends. In the United States most of such measures have fallen into three main groups: first, those designed to establish a plane of competition believed to be socially desirable; second, those intended to remove obstructions to competition within the limits set; and finally, measures to regulate the conduct of business enterprises believed not to be adapted to socially satisfactory control by competition. In addition an important control has been exercised over business through taxation. In some cases, such as the levying of a prohibitive federal tax on the note issues of state banks to drive them out of circulation, taxation has been applied explicitly as a regulatory device. Explicit use of the taxing power for the regulation of business, however, is now regarded as offensive to the federal constitution, and the effect of taxation on business is, in theory if not always in fact, incidental to its other purposes.

Attempts to establish a socially desirable plane of competition by governmental action have been based on the general theory as phrased by Henry C. Adams that "the law is an agency for the realization of the higher ideals of men by guarding them from that competition which would otherwise force them to a lower plane of action, or out of business." In the modern business system with its great discrepancies in economic power, its impersonal and long distance relationships and its control over highly complex products, the ways of competitive retribution may be slow and uncertain. By exploiting workers in a weak bargaining position or selling deleterious products a profit making enterprise may not only prosper at least for a time but may also force its competitors perhaps most unwillingly to follow suit if they are to survive. To check competition as a destructive force many laws designed to establish what legislatures have believed to be a desirable plane of competition have been enacted. The various branches of the government of the United States have also occupied themselves extensively with efforts to make competition effective on the plane set. In order to give this force a chance to work, Congress and the state legislatures have passed a large volume of "anti-trust" legislation designed to remove obstructions to competition in such forms as monopoly, conspiracy and agreements in restraint of trade.

In addition to trying to check competition believed to be undesirable and removing obstructions to "wholesome" competition the various governments of the world have also established regulatory machinery to control particular enterprises where monopoly is essential to satisfactory service or where competition has failed to produce results satisfactory to legislative bodies. Such regulation generally carried out in the United States by administrative commissions with provision for review of their decisions by courts varies widely in the case of different enterprises and from jurisdiction to jurisdiction. It is concerned primarily with the prices charged for standardized commodities and services. The government also regulates some enterprises by competing with them as a proprietor. Government competition, for example, serves to regulate certain privately owned and operated electric power and light companies. However, the instances where branches of government are engaged as proprietors of enterprises capable of yielding a profit are relatively few. "Less government in business," the companion piece for "more business in government" and generally meaning that the government should not occupy any profitable fields of endeavor, is still usually backed by an effective political force.

DEXTER MERRIAM KEEZER

See: ECONOMIC ORGANIZATION; CAPITALISM; INDUSTRIALISM; COMMERCE; INDUSTRIAL REVOLUTION; FACTORY SYSTEM; PROPERTY; CONTRACT; COMPETITION; CREDIT; PROFIT; CORPORATION; ENTREPRENEUR; CAPTAIN OF INDUSTRY; BUSINESS ADMINISTRATION; ACCOUNTING; ADVERTISING; MARKETING; COMBINATIONS, INDUSTRIAL; STANDARDIZATION; RATIONALIZATION; EFFICIENCY; BUSINESS EDUCATION; BUSINESS, GOVERNMENT SERVICES FOR; LAISSEZ FAIRE; GOVERNMENT REGULATION OF INDUSTRY; BUSINESS ETHICS; PUBLIC WELFARE; ECONOMICS.

Consult: Sombart, Werner, *Der moderne Kapitalismus*, 3 vols. (vols. i–ii, 2nd ed. Munich 1916; vol. iii, Munich 1927); Hobson, J. A., *Evolution of Modern Capitalism* (new ed. London 1926); Hammond, J. L. and Barbara, *The Rise of Modern Industry* (London 1925); Sée, H. E., *Les origines du capitalisme moderne* (Paris 1926), tr. by H. B. Vanderblue and G. F. Doriot as *Modern Capitalism: its Origin and Evolution* (London 1928); Beard, Charles and Mary, *The Rise* *of American Civilization*, 2 vols. (New York 1927); Mitchell, W. C., *Business Cycles* (New York 1927) p. 66–74; Veblen, T. B., *The Theory of Business Enterprise* (New York 1904); Tawney, R. H., *The Acquisitive Society* (New York 1920); Marshall, Alfred, *Industry and Trade* (London 1919); Davenport, H. J., *Economics of Enterprise* (New York 1913); Clay, Henry, *Economics; an Introduction for the General Reader* (London 1916; American ed. by E. E. Agger, New York 1918) chs. i, xxi, xxii and xxv; Hamilton, Walton H., *Current Economic Problems* (3rd ed. Chicago 1925) ch. iv; Addresses by Owen D. Young, Edwin F. Gay and Wallace B. Donham published in *Harvard Business Review*, vol. v (1927) 385–405; Commons, J. R., *Legal Foundations of Capitalism* (New York 1924); Adams, H. C., "Relation of the State to Industrial Action" in American Economic Association, *Publications*, vol. i (1886–87) 471–549; Keynes, J. M., *The End of Laissez-faire* (London 1926); Clark, J. M., *Social Control of Business* (Chicago 1926); Keezer, D. M., and May, Stacy, *Public Control of Business* (New York 1930).

BUSINESS ADMINISTRATION may be defined as the science and art of conducting an enterprise with a maximum of efficiency and a minimum of cost. The administration of a project not only considers ways and means but weighs values and determines ends to be sought. There is a growing recognition of the separate roles of administration, management and organization. Administration, whether or not it is distinct in personal composition, is distinct in function from the management. Its function is to determine corporate policy, to coordinate finance, production and distribution, to point out the general path which is to be followed. Management is charged with the execution of policy within the limits set by administration; it devises methods and improves processes. Organization is the tool by which management achieves the ends aimed at by administration. Determination of the formulae which the engineer is to apply is the function of scientific management. But it is administration which in the first place, within the limits of the socio-economic environment, determines the situation for which formulae must be found.

It is only in comparatively recent times that business administration has been set apart as a distinct function in economic life. Even the vast business development following the industrial revolution failed to liberate business from the trial and error methods, the exclusive dependence upon native shrewdness and energy, that had characterized business since time immemorial. In England the period of laissez faire afforded dazzling opportunities to the acquisitive captains of industry who cornered the market or secured special concessions but had little interest in scientific administration or management. During the corresponding period in the United States the chief activities were farming, shopkeeping, small manufacturing and some foreign trading. Individualistic effort prevailed. Trading was on a shrewd, narrow basis and the chief virtues were the ability to keep out of debt and to work hard. Later the scale of operations broadened. Nevertheless, during the nineteenth century natural resources such as fertile farming country, dense forests, rich deposits of minerals, were acquired, appropriated and exploited under a system of opportunistic individualism.

By the end of the century this race for appropriating natural wealth had been run. In some fields intense competition among the various entrepreneurs was forcing attention to the methods and costs of production. In others large scale organizations had achieved virtual monopoly and had settled into the routine administration of their properties. Business then turned to the intensive cultivation of markets for the sale of its products. An economic consequence was mass production of goods for consumption by wage earners generally, and such production had to be based on low costs. These low costs could be attained in many cases only by the most rigorous study of methods, materials and organization and a scientific approach to problems of management and administration.

In both the competitive and the monopolistic industries the importance of improvements in administration was recognized. In the competitive industries progressively improved methods of production and distribution became almost compulsory because of price competition. Large scale industry magnified the importance of every detailed improvement, since a slight decrease in waste or the utilization of some small by-product might mean enormous savings. The consolidation of ownership of industrial plants into holding companies has likewise been an important influence, since financial powers were given an opportunity to compare costs in the various units under their jurisdiction. The competition created within their own organizations has often been more scientific and intelligent than the blind search for reduction of costs which has gone on among independent concerns. The spread and growing complexity of the corporate form of business organization resulted in the development of a management group whose interests and actions became increasingly independent of ownership. It contrasted sharply with the older type of small scale owner-manager. This change gave a considerable stimulus to a detached and scientific approach toward problems of administration.

Other developments affecting the type of administrators called for in industry were the political and economic changes which took away from the employer legal and economic sanctions for the control of labor. Some employers came to understand that greater productivity could be secured from workers by winning their cooperation than by relentless driving. In America labor has always been relatively scarce, especially in recent years. As a result of the restriction of immigration employers have been forced to look elsewhere than to cheap labor for means of economical production. One of the most important consequences has been the increasing application of research to the relationship of management and men.

The advances made in the social sciences have been an additional stimulus toward new viewpoints. The newer psychology in particular, with its analysis of personality maladjustment and integration, has opened the door to intelligent control of factors vital to the morale of the workers. The rapid strides made in statistical economics and cost accounting in the past twenty years have made possible manipulation of quantitative data to bring out significant relationships formerly buried in general reports.

The result of all these economic and social developments has been a tendency toward the rise of a profession of business. There are a growing reliance on research and science, an increasing willingness to prepare oneself for a business career through training, a greater appreciation of standards of performance and encouraging signs of recognition of the ethical and social obligations of industry. Executives with technical knowledge have been relieved of the purely financial manipulations expected of financiers and owners and have therefore been free to inject a professional attitude into the conduct of the enterprises under their jurisdiction. Everywhere in America the special talents necessary to administer a business and the technical character of such ability have thus become recognized. One evidence of this has been the change in the type of executive called upon to direct important enterprises. The virile individual who displays his ability chiefly in resourceful action during emergencies has been gradually replaced by the quiet planning type who looks so far ahead that he does not allow emergencies to arise.

The work during the early years of the twentieth century of Frederick W. Taylor, the father of modern scientific management, has caused him to be widely regarded as the founder of business administration. His investigations were devoted, however, entirely to technique of manufacturing operations. The only relation of Taylorism to business administration is that each is an application of scientific method, but administration applies the method to the whole range of industrial problems—from launching an enterprise and plant location to administrative organization and marketing.

The growth of interest in business administration has been rapid. Schools of business have been established in the leading colleges and universities of America. By 1915 there was a large and growing body of literature, most of it devoted to techniques, but some of it evidencing evaluations of principles and objectives. Although there was considerable interest in the principles of business administration in Europe prior to the World War it has become enormous since then and American methods are the subject of admiration and study. In part this is due to envy of the prosperity which American business has enjoyed and to the difficulty experienced by European firms in competition with American concerns. In particular the experience of the Ford Motor Company and other American automobile companies has captured popular imagination. Students visiting the United States have observed that, as compared with the affection exhibited in continental countries for old machines and old plants, American concerns are continually scrapping equipment, discarding methods and looking for new models. Throughout Europe there has thus arisen a dissatisfaction with the traditional and antiquated methods, an eager search for improved practises and an unflagging effort to adapt industry to the new conditions. Everywhere there is an interest in rationalization, a term which according to the Reichskuratorium für Wirtschaftlichkeit, the central official body charged with the study of rationalized methods in Germany, may be defined as follows: "Rationalization consists in understanding and applying every means of improving the general economic situation through technical and systematic organization. Its object is an increase in the standard of living by the provision of better and cheaper goods in larger quantities." It proposes application of the scientific intellectual method not only to the problems of industrial management within the framework of existing industry but to the reconstruction of economic life in the large. This movement is observable in England, Germany, France, Czechoslovakia and Poland and particularly in Russia, where scientific management is regarded as the essential basis of industrial progress.

The United States is properly known as the home of scientific management. Germany more recently has taken up the movement with great vigor and shows remarkable progress. For ingenious internal organization of the plant the American is justly famed, but it is the German who has most successfully managed the affairs of whole industries as units. Although handicapped by a large population and comparatively limited resources Germany has been enabled by superior physical technology and business administration to occupy an imposing place among modern nations.

In Russia the science of business administration has for the first time been applied by a government and on a national scale. In their frantic efforts to industrialize a large agricultural country the Russians have drawn upon America and western Europe not only for machines and technical processes but for knowledge of methods of coordination. The elimination of profits as the aim of economic activity has, however, necessitated a revision and additional development of the borrowed technique.

In general practise the business administrator deals with the business unit while the management deals with the production unit. The business unit is defined in terms of financial control, the production unit in terms of technological processes. Of course there is necessary overlapping and in the last analysis, although details of execution are problems of management, long time planning and organization of industry are concerns of administration.

Preeminent among the activities of administration are financial operations. The administrator, when the enterprise is launched, must determine the relative merits and possibilities of securing capital by subscription to stock, by issuing short or long term bonds or by other forms of indebtedness. He must determine the desired ratio of fixed to working capital and must maintain access to additional capital from such sources as commercial banks and the open market. He must forecast intelligently expenses and watch closely actual current expenses. To this end administrators are utilizing scientific budgeting and improved methods of cost accounting. In the matter of business organization there is a decided trend toward functional classifications. Business departments are being created on the basis of the function they serve, such as planning, material control, purchasing, sales promotion, accounting, personnel. A new tendency is that of having executive decisions made by committees rather than by line officials. This procedure coordinates responsibility and pools the fruits of experience but may result in loss of flexibility. Indeed one of the most difficult problems is to secure centralized leadership and at the same time flexibility and decentralized responsibility. Attempts to attain coordination and accuracy have resulted in elaborate systems of reporting and checking.

Control of production at a regular pace, utilizing all departments efficiently and having goods ready for shipment at desired dates, is aided by statistical devices such as the progress chart. Independence of seasonal and other fluctuations has been attained in some industries by developing side lines of by-products, by securing advance orders and by vertical integration to maintain steady sources of raw material, transportation or sales.

In the field of marketing there has been great improvement in statistical and psychological method. Analyses of market areas and establishment of territorial quotas have revealed new sales possibilities. Utilization of general forecasts of business and trade conditions has facilitated adjustment to market conditions. Establishment of reliable channels of retail distribution has increased volume and regularity of sales. Education of salesmen in the uses of a product rather than in the so-called art of salesmanship has put sales upon a sounder basis. The fine art of creating new wants and breaking down sales resistance through modern advertising, which apparently had infinite possibilities, has recently been subjected to close scrutiny and advertising budgets are being more carefully regulated.

Psychological treatment of personnel problems has advanced. Careful analyses of working conditions, mental as well as physical, and the providing of opportunities for self-expression and recommendations by workers are increasingly employed to forestall the growth of labor difficulties. The growing importance of scientific business administration is evidenced by the organization of various professional societies.

The Taylor Society is an organization with international membership for the promotion of better management. Originally launched to promote the principles of scientific management as developed by Frederick W. Taylor it has during the past decade broadened its scope to include a scientific approach to all phases of administration, such as production, marketing, finance and industrial relations. It holds meetings and conferences from time to time, publishes a bulletin and sponsors authoritative volumes on management.

The largest and most active of the associations interested in the art of business administration is the American Management Association, which includes companies and individuals organized to exchange experience and to study management methods. Because it is a reorganization of an earlier group which had limited its interest to matters of labor the present association may be said to date from about the post-war depression of 1921. Its educational influence is exercised through numerous discussion meetings and conferences held in various parts of the country and in the wide distribution of the proceedings, which are conveniently published in leaflets on special subjects and constitute an indispensable library of American management practise.

There are several other associations of this character such as the Management Section of the American Society of Mechanical Engineers, the Society of Industrial Engineers, the National Association of Cost Accountants and more localized groups. The United States Department of Commerce, through various sections, particularly the Division of Simplified Practise, has arranged numerous conferences of business men which have had educational influence in promoting better administration. Its various publications sent out widely to industrial concerns have brought to general attention much significant knowledge.

In 1927 the International Management Institute, a world wide association for promoting business administration, was organized at Geneva. Its aims include the securing of the maximum efficiency of labor with the minimum of effort, the promotion of standardization, the avoidance of waste, the improvement of methods of distribution and of transportation and the general application of enlightened methods to economic organization.

Business administration, in spite of the spread of special educational institutions and professional associations, can hardly be said to have become a definitely organized science. There is of course a considerable body of tested procedure with respect to business methods which comes more properly under the heading of scientific management. Agreement upon general policies and administrative decisions, however, is still far from being attained. Indeed, although knowledge of processes necessary for business conduct may be reduced to a science, the administration of that knowledge, dependent as it is upon relative values and upon personality, will always remain an art. The student of the most advanced principles of administration is dependent upon the aid of such technicians as engineers, accountants and lawyers and upon people of practical business experience who can supply the exact knowledge upon which business administration is predicted. Although many practical business men are frankly skeptical about the merits of the professional administrator occasionally called in as consultant or advisor there is a tendency to resort to private experts in acute situations. Likewise in times of business reorganization it is sometimes found expedient to retain administrative consultants, who render service for a fee. Although highly specialized and coordinated systems of administration have to some extent resulted in loss of flexibility in the lower levels of management they have also led to a breaking down of traditional viewpoints and a willingness to face new problems intelligently.

From the broad social standpoint implications of business administration are far reaching. As with any other instrumentality its significance depends on the purpose for which it is used. It undoubtedly strengthens the position of the persons directing capital (not necessarily the investors) but it also opens new vistas for public regulation of business. In so far as ends of industrial processes are subject to scrutiny the profit motive tends to lose respectability, and enlightened leaders tend to accept the social responsibilities which underlie economic activities.

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See: BUSINESS; SCIENTIFIC MANAGEMENT; PERSONNEL ADMINISTRATION; RATIONALIZATION; BUSINESS EDUCATION; EXPERT; ADMINISTRATION, PUBLIC.

Consult: Kimball, D. S., *Industrial Economics* (New York 1929); Sheldon, Oliver, *The Philosophy of Management* (New York 1923); *Scientific Foundations of Business Administration*, ed. by H. C. Metcalf (Baltimore 1926), and *Business Management as a Profession*, ed. by H. C. Metcalf (Chicago 1928);

Hunt, E. E., *Scientific Management since Taylor* (New York 1924); Cornell, William B., *Industrial Organization and Management* (New York 1928); Lewisohn, S. A., *The New Leadership in Industry* (New York 1926); Lee, John, *An Introduction to Industrial Administration* (London 1925); Taylor Society, *Scientific Management in American Industry*, ed. by H. S. Person (New York 1929); President's Conference on Unemployment, Committee on Recent Economic Changes, *Recent Economic Changes in the United States*, 2 vols. (New York 1929) vol. i, ch. v, vol. ii, ch. vii; Gottl-Ottlilienfeld, F. von, "Wirtschaft und Technik" in *Grundriss der Sozialökonomik*, vols. i–ix (Tübingen 1914–29) vol. ii, pt. ii; Herzog, Siegfried, *Industrielle Verwaltungstechnik* (Stuttgart 1912); Sachsenberg, E., *Grundlagen der Fabrikorganisation* (3rd ed. Berlin 1922); Vershofen, Wilhelm, *Die Grenzen der Rationalisierung* (Nuremberg 1927).

BUSINESS AGENT is the title usually given to the general executive officer, formerly called the "walking delegate," who represents a local union or council in its daily business and whose work consists for the most part in enforcing union standards and verbal or written agreements with the employer. In this connection he is expected to recruit new workers on the job and to pass on to members information about available employment opportunities. The enforcement of union standards involves as secondary functions superintendence of the apprentice system, collection of fines and back dues, guarding of the trade jurisdiction and directing the work of the shop stewards. The business agent usually has few secretarial duties. Other duties, devolving upon him by reason of his superior information and powers of leadership, include representation of the local on central labor bodies and trades councils and at national conventions, watching legislation and lobbying for the trade. In the larger unions, and especially with the appearance of joint boards in the industrial unionism of the clothing industries, the versatile business agent has been replaced by specialized agents for administrative, personnel or organizing work. At the same time an effort has been made to professionalize the office by special pre-election or appointment tests of ability and character. Abuses of authority are most likely to occur where all these functions are centralized in one person and where the usual short term of office has been lengthened by reelections or has been made, as in some instances by actual vote of the membership, a life tenure.

The qualities demanded of the office are peculiarly those of the business man—the ability to act quickly and bargain well rather than scrupulousness and delicacy. Since the union rules are often not enforceable on all jobs, the business agent must be a shrewd compromiser. Incumbents tend to assume the mental outlook of the business man and the professional politician and to consider personal interests before those of the membership, the industry or the public.

Much has been made of the labor leader's isolation—physical, economic and emotional—from the rank and file, but such isolation is probably less characteristic of the business agent than of the national officers. For actually his tasks, whether as part time official of a small and struggling union or on the full time job, keep him in close contact with the ordinary union members. In most industries the business agent's earnings are based supposedly on the full time earnings of a skilled journeyman working steadily, and if defeated for reelection he is likely to return to the trade. Often, however, after experiencing the white collar type of employment he is not disposed to resume the status of a wage earner and is encouraged in his attitude by employers either directly through bribes and favors or indirectly through subtle forms of flattery. He is likely to spend much time consolidating his position by creating a machine and by practising favoritism or by seeking out alternative employment against his possible defeat for reelection. In industries characterized by the contractor system and requiring small capital he is likely to become a contractor. Business agents have been known to receive money from employers while still on the job and when defeated on charges to enter openly into their pay.

Nevertheless the problems of abuse arise not so much from the isolation of the business agent as from the nature of the industry and its reciprocal effects on the type of unionism. These abuses have been most glaring in the building industry. Its local character, the irresponsibility of the contractors who are the wage payers and their rapid movements from one job to another necessitate immediate settlement of grievances. Rapid changes in the technique of construction and in materials have tended to destroy standardization and uniformity of practise, so that much has necessarily been left to the judgment of the business agent. The business agents in this industry, since the time of their emergence in 1884, have had power to call a strike immediately. The discipline of the membership has caused them to answer the call to strike and to obey other orders even when the reasons were not clear. Because of the intimate way in which the building trades are associated on the job, joint action among agents on a given building has frequently led to a development of power greater than that of any other group in the construction industry. The absence of any fixed price for the finished product has also contributed to this result. Occasionally the union members, aroused by exposures such as that of Sam Parks in 1903, have attempted to establish more effective controls over the business agent; but since this would entail actual visits to the job such efforts have been almost uniformly unsuccessful. Even when in 1920 it was shown that Robert P. Brindell, president of the New York Building Trades Council and business agent extraordinary, had built up a fortune of a million dollars largely through extortion, the unions involved made only slight changes in their methods of control.

In other industries where such abuses are comparatively infrequent methods of control are likely to develop through the supervisory and veto power of district and national officials; the lively interest of the rank and file unionists in shop committees, executive boards and local meetings provides another check. In larger unions, moreover, the business agent's position may be limited to job inspection and adjustment of complaints. In addition, the regulation of employment, the spread of standardization, the decrease of cut-throat competition in industry may be expected to raise the level of local union leadership.

HORACE B. DAVIS

See: TRADE UNIONS; COLLECTIVE BARGAINING; LABOR DISPUTES; INDUSTRIAL RELATIONS; CONSTRUCTION INDUSTRY.

Consult: Hoxie, R. F., *Trade Unionism in the United States* (2nd ed. New York 1923); Blum, Solomon, *Labor Economics* (New York 1925); *American Labor Dynamics*, ed. by J. B. S. Hardman (New York 1928) p. 159–68, 192–96; Bernstein, E., *Die Arbeiterbewegung* (Frankfort 1910) p. 141–55; Michels, R., *Zur Soziologie des Parteiwesens in der modernen Demokratie* (2nd ed. Leipsic 1925), 1st ed. tr. by Eden and Cedar Paul as *Political Parties* (London 1915) pt. iv, ch. v; Foster, W. Z., *Misleaders of Labor* (Chicago 1927); Montgomery, R. E., *Industrial Relations in the Chicago Building Trades* (Chicago 1927).

BUSINESS CYCLES are a type of fluctuation characteristic of economic activities organized in the form of "business economy" or "high capitalism," to use the German term. They have a wavelike pattern—each cycle includes a phase of revival, expansion, recession and contraction. These successive changes in activity spread more or less promptly over a large part, seldom over all, of the economic processes of a country. The cycles are recurrent, but not periodic. Their average duration varies in communities at different stages of economic development from about three to about six or seven years.

This list of features makes a thumb print which is useful in identifying business cycles amidst the welter of changes to which economic activities are subject. But a vivid impression of the part they play in modern life and the problems they present to economics can best be had from a historical approach.

The Development and the Discovery of Business Cycles. Trade crises must be as old as trade itself and must have affected the fortunes of increasing numbers as trading grew in social importance. The early crises of record were commonly attributed to what would now be classed as random causes, such as governmental aggressions, riots, wars or "acts of God." As economic activities became more highly organized, random factors continued to make business troubles; but new sources of difficulties appeared within business itself. For example the outstanding feature of the Mississippi bubble and the South Sea scheme, which ran their parallel courses to disaster in 1720, was a mania for speculation. In the later crises of the eighteenth century commercial miscalculations were held responsible in increasing degree. By the close of the Napoleonic wars it was realized that "commercial crises" are recurrent, and economists began to devise explanations which applied not merely to a particular case but to crises at large.

Gradually the problem of accounting for "periodic crises" expanded in scope. In 1833 John Wade suggested casually that "the commercial cycle is ordinarily completed in five or seven years, within which terms it will be found by reference to our commercial history during the last seventy years, alternate periods of prosperity and depression have been experienced." This idea occurred to others and spread rapidly. Economists who still wrote under the caption "crises" came to deal with the full round of cyclical changes. Thus the term "business cycles," or "trade cycles" as the English say, is a twentieth century rechristening of a nineteenth century discovery.

Sources of Information. Commercial crises were dramatic departures from the ordinary course of affairs which could scarcely be overlooked by the least skilful of observers. Hardly less striking were periods of boom and depression. The earlier investigators of these phenomena harbored no doubts about their genuineness. Descriptive materials such as merchants, bankers and newspapers provided sufficed to show the facts which required explanation. What statistical data were available concerning bankruptcies, imports, exports, discount rates and the like seemed merely to make this common knowledge more definite.

As statistical data grew more abundant it became possible to attempt more penetrating inquiries. Yet efforts in this direction led to difficulties and doubts, for time series show several distinct types of fluctuations in combination. To pick out the cyclical fluctuations for intensive study was a difficult task. Indeed the question as to what constitutes a business cycle, a question which seemed simple when few but descriptive materials were used and those in a broad way, now became complicated. The statistical investigator had to develop a sharper concept of the cyclical component in the changes of a given series; he had also to discover what sort of whole the cyclical fluctuations of different series make up. These are problems on which investigators are actively working, spurred on by critics who hold that "the so-called business cycle" is a myth.

While reliance is now placed largely on analysis of the increasingly abundant statistical data the older type of descriptive material has not dropped out of use. On the contrary such materials have been collected more systematically than before and condensed into "business annals," showing the changes from year to year in the state of trade. Collections of this sort extend our knowledge of cyclical fluctuations over countries and periods for which the statistical record is scanty. And where the statistical record is fullest business annals are a useful adjunct to the analysis of time series.

Analysis of Time Series. Most economic time series show four distinct types of changes: secular trends, cycles, seasonal variations and random perturbations. Less definitely established are certain other fluctuations called by their discoverers "long waves" and "secondary trends."

The secular movements are ascribed to factors which influence an economic variable in some uniform or regularly changing fashion over periods of time which for present purposes may be defined as long in proportion to business cycles. Examples are the gradual decline in American canal traffic which accompanied the development of transportation by rail, and the growth of the latter—a growth very rapid at first, then moderating its pace.

Swerving about a line of secular movements there may be several sets of wavelike fluctuations differing from each other in duration and presumably arising from complexes of causes which contain different elements. Thus Kondratieff, on analyzing a considerable number of the longest European and American time series, concludes that the capitalistic world experienced two and a half "long waves" between 1785–95 and 1914–20. The duration of these waves he gives as 40 to 60 years. Kuznets, using a larger number of series, finds waves which he calls "secondary movements" averaging not quite 25 years from trough to trough. Both of these results have still to pass through the process of critical testing by other investigators.

Seasonal variations arise partly from climatic and partly from conventional or institutional factors. Examples are the increase in coal consumption during the winter, holiday shopping in December and large dividend disbursements at the beginning of each quarter. In some series the seasonal variations are so prominent as to obscure all other fluctuations. When no regular seasonal change can be detected in a series the activity represented is presumably influenced by so many independent seasonal factors that they cancel one another's effects.

Random perturbations are as universal in their incidence as seasonal factors. Every economic process is affected at all times by a host of influences which cannot be classified under any other recognized head. When these many influences are not markedly unequal in magnitude and not closely connected by causal bonds they may be expected to offset each other so as to leave few detectable traces in a statistical record. At any moment, however, one or more factors having similar effects may rise to dominance in the constellation of random influences and produce marked perturbations in the net resultants of all the forces operating. Violent aberrations from the expected course of affairs are often plausibly attributed to a particular random cause such as a strike, a new law or a war. But the "expected course of affairs" is a vague concept. Analysis of a given time series over a period when no violent aberrations appear cannot determine what role the constellation of random factors is playing. And when some sudden break can be attributed to a definite cause it is impossible to say just how much of the observed effect that particular cause accounts for.

Interwoven with the preceding types of fluctuations are wavelike movements which recur more or less regularly, with a time span longer than a season and shorter than that of the problematical secondary trends. In numerous series such fluctuations stand out boldly. In other series they can be traced by one on the lookout for such phenomena. In still other series they seem to be lacking. All recurrent fluctuations in individual time series with an average duration of more than a year may be called "specific cycles" to differentiate them from the general movements called "business cycles."

Even when cyclical fluctuations are readily discernible they are always shrouded by a veil of other changes—a mixed fabric woven in varying proportions of secular, seasonal and random changes, perhaps also long waves and secondary secular movements.

One of the obvious tasks of research is to draw aside this veil of other changes in order to see the cyclical fluctuations more clearly. The technique developed for this purpose consists in measuring and then eliminating such types of fluctuations as can be seized by statistical methods.

Current efforts toward isolating business cycles seldom go beyond computing and eliminating the secular and seasonal movements by methods which are described in the articles on these topics. Combined, trends and seasonals produce a curve which is usually characterized by regular wavy movements of a year's span superimposed upon smooth sweeps covering considerable periods. If long waves or secondary secular movements are found in a series and measured, an investigator may combine them with the secular-seasonal curve. But this is a stage of refinement not yet methodically attempted, although many empirical trend determinations presumably include secondary secular movements without the investigator's knowledge. Whatever the fluctuations independently measured, their values, in combination or by successive operations, are divided point by point into the corresponding values of the original data. The quotients, multiplied by 100 or treated as deviations from zero, are taken to show the cyclical-random fluctuations of the series.

Of course this stage represents but a partial segregation of cyclical fluctuations. How to press the segregation further by eliminating the random variations is one of the current problems. Perhaps the most promising suggestion is the following: (1) After eliminating the secular trend of a series, its seasonal variations and any other type of fluctuation susceptible of direct measurement, break up the residual cyclical-random fluctuations into segments on the basis of the cyclical turning points, which can usually be located with some confidence on a chart. (2) Find the average value of the first segment, take this value as 100 and turn the series into relatives. This procedure applied to each segment in turn yields comparable figures showing cyclical-random fluctuations in as many cycles as the series covers. (3) From the relatives for successive revival dates, or for a few months centered on these dates, derive whatever average best represents the central tendency of the array. Make similar averages for the reference dates for successive recessions. In these averages the distorting influence of random perturbations will be attenuated generally in proportion to the number of cycles represented. (4) Elaborate the observations as far as desired by breaking the intervals between revival and recession and between recession and the next revival into fractions, computing averages of the relatives for each fraction and drawing representative averages from the array for each fraction, just as averages were drawn for revivals and recessions.

The number of cycles which a series must cover to yield fairly representative cyclical patterns depends on the character of the series and the character of the period covered. Frequently half a dozen cases or even fewer suffice to establish the general character of the special cycles found in a series; but of course an investigator likes to have more evidence at his disposal.

Specific Cycles and Business Cycles. Not all the specific cycles found in time series are systematically related in time to business cycles. For many economic activities have a rough rhythm peculiar to themselves, arising from technical circumstances not closely connected with the condition of general business. For example Warren and Pearson find a fifteen-year cycle in the purchasing power of farm prices for beef cattle in the United States. Pigou holds that in England "ten years seem to be, not merely the average, but also the markedly predominant" working life of machinery. Hence any period of active machine buying gives rise to subsequent cycles of a ten-year span in machine buying, although these cycles may run down gradually with the lapse of time.

To determine in what economic activities the specific cycles conform to business cycles is an additional task. One may proceed empirically, sorting the series into groups based on the timing of their cyclical turning points and then studying the interrelations among the cycles of the several groups. A more systematic and in the end a quicker method is to begin by drawing up a set of "reference dates" marking off successive revivals and recessions in "general business." Such reference dates may be taken from some time series believed to reflect changes in business tides. An index number of prices at wholesale might serve, or an employment index, or bank clearings in Anglo-Saxon countries. But uncertainty regarding the role played by random factors in any single series and the difficulty of finding fit series which have been maintained in trustworthy form for long periods of time favor the choice of a broader base. Business annals when carefully compiled seem to offer the safest guide, and they can be carried as far back in time as is required. The indications they give regarding the timing of revivals and recessions can be made more definite and checked by supplementary use of such time series as are available.

There is an element of unreality in giving precise dates for revivals and recessions in general business; for these changes really take place during transition periods rather than at turning "points." But some set of bench marks is needed from which to measure the various turning points of individual series. The lack of uniformity in the materials on which decisions must be based makes it impossible to fix reference dates over long periods and in different countries in strictly consistent fashion; but if the dates are used merely as points from which to measure the leads and lags of different series this defect is not vital. The order in which the various series turn up or down is the important matter and it does not depend upon the dates chosen.

Equipped with a schedule of reference dates showing the time when each cycle in general business began, culminated and ended, an investigator can determine in what series the specific cycles conform in number and timing to business cycles. Further, he can make a second set of measurements showing the cyclical behavior of different series within the standard periods marked off by revivals and recessions; that is, he can take the turning points in general business, instead of the low-high-low points in each series, as the chronological basis for deriving cyclical patterns in the way described above. For many purposes this second set of measure-

STANDARD REFERENCE DATES FOR BUSINESS CYCLES, UNITED STATES, 1855–1927

EXPANSION		CONTRACTION		DURATION IN MONTHS		
REVIVAL	PEAK	RECESSION	TROUGH	EXPANSION	CONTRACTION	FULL CYCLE
Jan. 1855 to	June 1857	July 1857 to	Dec. 1858	30	18	48
Jan. 1859 to	Oct. 1860	Nov. 1860 to	June 1861	22	8	30
July 1861 to	April 1865	May 1865 to	Dec. 1867	46	32	78
Jan. 1868 to	June 1869	July 1869 to	Dec. 1870	18	18	36
Jan. 1871 to	Oct. 1873	Nov. 1873 to	March 1879	34	65	99
April 1879 to	March 1882	April 1882 to	May 1885	36	38	74
June 1885 to	March 1887	April 1887 to	April 1888	22	13	35
May 1888 to	July 1890	Aug. 1890 to	May 1891	27	10	37
June 1891 to	Jan. 1893	Feb. 1893 to	June 1894	20	17	37
July 1894 to	Dec. 1895	Jan. 1896 to	June 1897	18	18	36
July 1897 to	June 1899	July 1899 to	Dec. 1900	24	18	42
Jan. 1901 to	Sept. 1902	Oct. 1902 to	Aug. 1904	21	23	44
Sept. 1904 to	May 1907	June 1907 to	June 1908	33	13	46
July 1908 to	Jan. 1910	Feb. 1910 to	Jan. 1912	19	24	43
Feb. 1912 to	Jan. 1913	Feb. 1913 to	Dec. 1914	12	23	35
Jan. 1915 to	Aug. 1918	Sept. 1918 to	April 1919	44	8	52
May 1919 to	Jan. 1920	Feb. 1920 to	Sept. 1921	9	20	29
Oct. 1921 to	May 1923	June 1923 to	July 1924	20	14	34
Aug. 1924 to	Oct. 1926	Nov. 1926 to	Dec. 1927	27	14	41
AVERAGE DURATION						
19 cycles 1855 to 1927				25.4	20.7	46.1
13 cycles 1885 to 1927				22.8	16.5	39.3

ments, made on a common time schedule, is even more significant than the first set. Finally, an investigator can express degrees of conformity between specific cycles and business cycles in numerical terms, and classify all the series he uses according to "indexes of conformity" which run in practise from +100, indicating perfect positive conformity, through zero, indicating no conformity, to —100, indicating perfect inverse conformity. Of course, in a theoretical inquiry, series which conform irregularly or not at all to business cycles require quite as careful attention as series which conform perfectly.

Half a dozen illustrations of special cycles and their relations to business cycles are provided by the annexed chart. In each graph a comparison is made between the average behavior of the variable within the periods marked off by its own cyclical turning points and within the periods marked off by the cyclical turning points of general business (standard reference dates). Seasonal variations have been eliminated from all these series except the wholesale price index, which has no regular seasonals. Secular trends also are eliminated from the "index of general business activity" compiled by the American Telephone and Telegraph Company; in the other series they are eliminated in part and in part retained. The process of turning a time series into relatives on the bases of successive cycle segments leaves undisturbed whatever trend is present within the time span of an average cycle, but excludes the trend from one cycle to the next.

All six series show well marked specific cycles. In three cases the specific cycles agree perfectly in number and closely in timing with business cycles. Bank clearings outside of New York City skipped the recession at the close of the late war, and the lawful-money holdings of New York City national banks skipped the revival of 1897. Yet the chart shows a close correspondence between the average cyclical movements of these series and those of general business. Quite different is the case of the one agricultural series. Flour shipments from Minneapolis have clearly marked specific cycles, a little longer on the average than business cycles. However, the relation in time between these specific cycles and business cycles is so irregular that when this series is chopped into segments on the basis of the standard reference dates the specific cycles almost cancel each other. Crop series commonly yield this result when similarly analyzed.

One example is given of an "inverted" pattern. The lawful-money holdings of New York banks before the war declined in periods of expansion and rose in periods of contraction. Other examples of inversion are unemployment, bankruptcies and many records of commodity stocks, though by no means all.

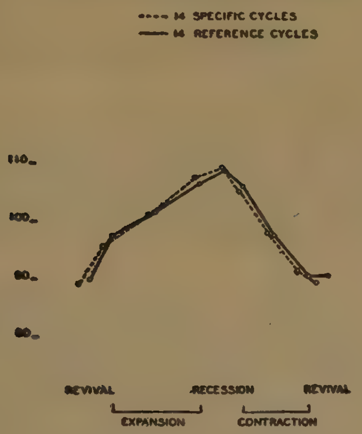
In amplitude of cyclical rise and decline there is a marked difference between the wide fluctuations of pig iron output and the narrow movements of wholesale prices. More extreme contrasts would be provided by taking series of discount rates, stocks of commodities or net earnings on the one hand and retail prices on the other.

Finally, the present sample illustrates the variety of time relations between specific cycles and reference cycles. The specific cycles of bank clearings outside New York City, partly because of their marked intra-cycle trend, lead the reference cycles by 3.3 months at revival and lag behind the latter 2.2 months at recession. The specific cycles of pig iron production lead the reference cycles by 3.5 months at revival and are virtually synchronous with them at recession. Wholesale prices, on the other hand, lead a bit at revivals and at recessions. In lawful-money holdings of New York banks the inverted specific cycles lag some four months at revivals, decline for a short while and then have an uncommonly long advance. As for flour shipments from Minneapolis, the irregular time relations between the specific cycles and the reference cycles make it impossible to establish significant leads or lags. On the chart the two curves are arbitrarily centered at the same vertical line.

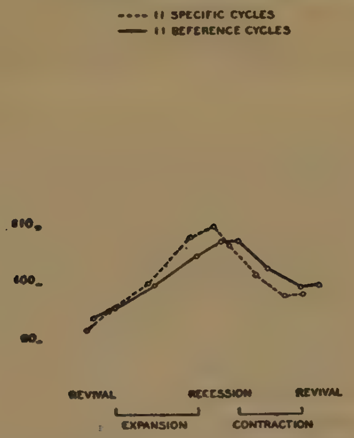
Business Cycles as Wholes. All the statistical analysis so far spoken of applies to individual time series taken one by one. To the theorist the finished results are merely raw materials useful in his effort to understand business cycles as wholes.

This effort has been likened to that of ascertaining changes in the general level of wholesale prices from quotations for individual commodities. The analogy is suggestive but there is a vital difference between the two problems. Price quotations for different commodities can be made into index numbers by some process of summation. But a mere summation of the cyclical fluctuations of time series representing different types of economic activities has no meaning. To understand business cycles it is necessary to understand the relations among the cyclical fluctuations characteristic of different

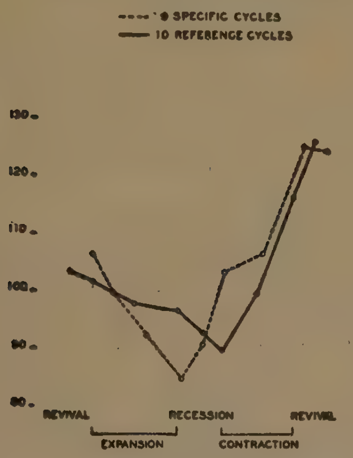
INDEX OF GENERAL BUSINESS ACTIVITY
AMERICAN TELEPHONE AND TELEGRAPH CO.
UNITED STATES-BY MONTHS: 1879-1927



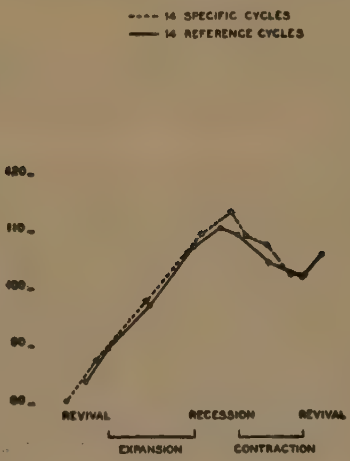
INDEX NUMBER OF WHOLESALE PRICES
U.S. BUREAU OF LABOR STATISTICS
UNITED STATES-BY MONTHS: 1892-1927



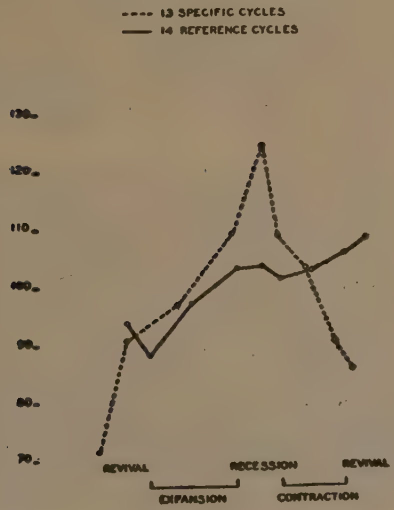
LAWFUL MONEY-NEW YORK CITY
UNITED STATES-BY CALL DATES- 1879-1914



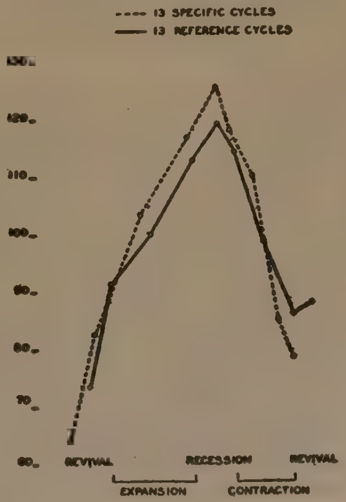
BANK CLEARINGS OUTSIDE OF NEW YORK CITY
UNITED STATES-BY MONTHS: 1878-1927



FLOUR SHIPMENTS-MINNEAPOLIS
UNITED STATES-BY MONTHS-1878-1927



PIG IRON PRODUCTION
UNITED STATES-BY MONTHS: 1885-1927



processes. Working hypotheses concerning these relations should determine what cyclical measurements shall be combined to get significant indexes and how the individual series or indexes representing different types of activities shall be used.

At this point the quantitative study of business cycles connects with earlier work. We have noted that efforts to explain the frequent recurrence of "commercial crises" began before any but the most meager statistics were available. Hence numerous "theories of crises and depressions" were developed by men in no position to test their validity by appeal to measurements. When the accumulation of data and the development of statistical technique had made a more searching type of work possible those who took advantage of the new materials and methods could avail themselves also of the old hypotheses, as well as of any fresh ideas they got while working with time series.

Leading Explanations of Business Cycles. These explanations may be summarized in three classes according to the nature of the causes stressed most heavily.

(1) Physical explanations run back to the idea of Jevons announced in 1875 that the activity of solar radiation controls mundane weather, weather dominates crop yields and crop yields dominate business conditions. The leading contemporary explanation of this type is Henry L. Moore's theory of eight-year "generating cycles." Moore holds that generating cycles are "the natural, material current which drags upon its surface the lagging, rhythmically changing values and prices with which the economist is more immediately concerned." As for their origin he suggests that weather cycles are caused by the planet Venus, which at intervals of eight years comes directly into the path of solar radiation to the earth.

(2) John Mills gave a "psychological" explanation of "credit cycles" in 1867. Among present writers perhaps Pigou lays most stress upon the emotional factor in business, although he recognizes that "industrial fluctuations" are probably due to a combination of several factors. When trade is active business men tend to become over-optimistic concerning their prospects. Hence they invest freely in industrial equipment. While this equipment is being constructed the active demand for products makes prices remunerative. But when a large part of the new equipment begins to turn out products prices fall and the error of optimism is revealed. The new condition breeds an opposite error of over-pessimism which checks investment until the reduction of carried over stocks and the gradual growth of demand develop a profitable market once more and so generate a new wave of over-optimism.

(3) Institutional explanations trace business cycles to the workings of various economic processes: banking, saving and investing, producing and consuming, disbursing and using incomes, profit seeking and economic innovations.

R. G. Hawtrey's analysis of the cyclical impulses arising from banking runs as follows: When banks have large reserves they reduce discount rates and so encourage borrowing and business expansion. Once started an expansion mounts cumulatively until the growing requirements for cash created by active trade and large wage disbursements impair bank reserves. Then the banks raise their discount rates, thereby contracting loans and hence the volume of trade. Thereupon cash requirements become smaller and funds accumulate in the banks once more. Competition for the reduced volume of business leads the banks to reduce their discount rates and a new cycle begins.

John A. Hobson's "savings theory" makes business cycles an indirect result of inequalities in the distribution of income. In a period of prosperity large incomes swell so rapidly that the recipients cannot increase their personal consumption proportionately. An automatic increase in savings results. The investment of these huge sums brings about an increase in the equipment for making goods which exceeds the growth in the capacity to buy. A check comes when many of the new plants are finished and seek to market their products. Prices fall and large incomes are so reduced that over-saving ceases. Consumption then gradually overtakes production, restores profitable prices and starts a new cycle.

The modern theory of general over-production is best represented by Aftalion. Good trade leads to rapid increase of industrial equipment, then to an increase in the output of consumers' goods and finally to a decline in their marginal utilities. Meanwhile money is in active demand —its marginal utility tends to rise. These two changes combine to reduce the demand prices for consumers' goods, thus lessening the profits of business enterprises and checking the growth of industrial equipment. Depression sets in and lasts until the slow growth of consumers' demand has restored a profitable market for the existing plants—whereupon the cycle repeats itself.

Spiethoff denies that consumers' goods or goods in general are over-produced. He attributes recessions to over-production chiefly of industrial equipment and of the materials from which industrial equipment is made. The construction, steel, cement and similar industries depend for their market upon capitalized income. When steel and cement are made into steel and cement plants they increase the production of steel and cement themselves, forcing down prices and profits in the equipment trades. As matters now go it is practically impossible to maintain for long a tolerable balance between the growth of capitalized income on the one hand and the growth of the industries in which such income is chiefly invested. A relative excess of capitalized income leads to expansion; a relative excess of the goods in which capital is invested leads to contraction.

The income theory is associated with the names of Foster, Catchings and P. W. Martin. If the goods sent to market are to be sold at profitable prices the incomes disbursed to buyers must equal the full selling value of the goods turned out, and buyers must use their incomes promptly in taking goods off the market. But in practise business enterprises do not pay out the full selling value of their products. When times are active they retain a considerable part of their receipts to add to working capital, to provide dividends in lean years and the like. Hence a period of brisk business gradually accumulates an excess of goods offered for sale over the purchasing power of the market. This malproportion might be prevented if producers' and consumers' credit could be expanded in just proportion to the deficiency in disbursed income, business and personal; but that is a feat of economic rationality which no banking system can yet perform.

Veblen and Lescure have organized their explanations around the theme of profits. An increase in the physical volume of sales does not produce a corresponding increase in wages or overhead costs. Hence profits rise and business men seek to enlarge their working funds. Their chief resort is to banks, which are as eager to exploit the favorable prospect as any other group of enterprises. Supported by the increasing volume of credit, the business public bids up prices, enters into heavy future commitments and enlarges its plant capacity. These developments support each other so that business expansion becomes a cumulative process which runs on until one or more of the internal stresses which it accumulates reach the breaking point. Sometimes the first factor to be overtaxed is the banks. Prosperity causes a larger volume of cash to remain suspended in hand-to-hand circulation, and so tends to reduce bank reserves. At the same time demand liabilities grow apace because the expansion of loans increases deposits. If the banks find themselves compelled to restrict the granting of further loans, or even to charge very high discount rates, this check will bring on a recession. Or prospective profits may be undermined by the encroachments of increasing costs of doing business. Though lagging behind wholesale prices, wage rates rise. It is difficult to prevent the efficiency of labor from declining after the élite of the industrial army has already been enlisted, and difficult to prevent an even more menacing decline in the efficiency of management when the rush of business interferes with careful planning. The one way to protect profit margins against increasing unit costs is to raise selling prices. For a considerable time this remedy works; but it has to be applied again and again. And there is an elastic limit beyond which it cannot be carried; for rising prices increase the volume of credit required by business and so add to the strain on the banks. Moreover there are important groups of enterprises which cannot raise their selling prices effectively, such as public utilities, contractors not working on a cost-plus basis, manufacturers who follow a fixed-price policy. And in every period of rapid expansion there are some industries in which the increase of plant capacity so outstrips the growth of demand that selling prices are forced down. Thus expansion itself sets going processes which reduce prospective profits in an increasing number of enterprises. But prospective profits, capitalized at the going rate of interest, are the basic security on which rests the towering structure of credits. The mere rise in the rate of interest, which accompanies the later stages of expansion, forces a downward revision of capitalized values. When to this is added an actual decline in the profits which are capitalized creditors begin to take alarm and call for reduction of outstanding debts. Thus the weakness of a minority of business enterprises sets in operation a new process—liquidation of indebtedness—which leads to recession. In turn, recession leads to contraction. Credit ratings are revised downward; financial obligations are gradually cleared off or readjusted; unit costs are reduced faster than selling prices; and the bulk of enterprises gradually get into a position where their prospects of profits begin to grow brighter—thus laying the basis for a new revival and period of expansion.

Finally, business cycles are held to be a result of the changes in organization which are such a characteristic feature of a business economy. Schumpeter's "innovation theory" may serve as an example. Most business men are "routineers"—systematic people competent to run affairs on customary lines. A few are "innovators"—restless, inventive, daring men whose imaginative minds are ever planning new schemes. Such men produced the "commercial revolution" by reorganizing European methods of production. By exploiting mechanical inventions they made the industrial revolution what it was and still is. Today they are devising ever greater corporate combinations, upsetting selling methods, launching novel products, developing new sources of supply and cultivating new wants. When a wave of innovation mounts, business has a season of hectic activity. Prices of raw materials and of finished products, the kinds of goods demanded by buyers, the competitive position of different enterprises, methods and costs of obtaining capital, financial alliances—indeed most of the elements on which business plans rest, go through a series of changes. These unsettled conditions create difficulties for the mass of routineers. Failures increase, confidence dwindles and there comes a crisis, followed by a period of dull times. Dullness checks innovation because it prevents the disturbers of the business peace from getting the capital necessary for carrying out their hazardous schemes. Dullness also allows the routine business men to work out a passable readjustment of their plans on the new basis. But no sooner is quasi-stability re-attained and confidence restored than the innovators are again able to put some of their schemes into effect. Followed by a host of imitators they set going a new crop of changes, which multiply rapidly and bring on another crisis.

The various explanations sketchily presented here, and the numerous other explanations which might be cited, are not to be thought of as contradicting each other. Even from the viewpoints of the authors the differences consist mainly in emphasis. Each writer selects from the cyclical changes going on in modern society the process which seems to him of greatest importance and analyzes that in detail. But he may also make elaborate use of theories presented with an emphasis other than his own. Thus Pigou, who stresses emotional aberrations of business judgment, can take account also of construction, monetary and crop factors; Schumpeter can utilize Pigou's analysis as a side line; and the profits theorists can comprehend any change which appears to affect prospective profits in a rhythmical manner.

This inclusive use of what were originally offered as independent explanations is especially congenial to statistical workers. The task of a theory of business cycles, seen from their angle, consists in finding out what cyclical fluctuations are characteristic of different processes, searching for explanations of the idiosyncracies revealed and tracing the connections among different processes. In seeking to trace these various connections they need and can consistently make use of working hypotheses concerning the numerous processes which are parts of the whole. So far as their effort succeeds it weaves the elements into a common pattern. The end result aimed at is not eclectic patchwork but a systematic account of all the relevant phenomena.

The Phases of a Business Cycle. A systematic account of cyclical fluctuations, taken seriously, becomes an analytic description of the processes by which a given phase of business activity presently turns into another phase. The obvious framework for such a description is provided by the successive phases of the cycle. Historical changes in the character of the phenomena, as well as advances in knowledge, have led to significant modifications in the scheme and names of these phases favored at different periods.

From crises, the first focus of attention, the interest of investigators extended to the subsequent depressions. Prosperity was recognized as a problem when it became clear that the causes of crises are to be sought among the developments of the preceding booms. Somewhat later began definite attempts to find out how business recuperates from depression. Thus the four-phase business cycle of prosperity, crisis, depression, revival, came to be accepted. The suggestion that the transition from prosperity to depression be subdivided into two phases, "financial strain" and "industrial crisis," making a five-phase cycle, encounters two objections. In numerous cycles the phenomenon of financial strain has been conspicuous by its absence; in other cycles periods of acute financial strain have occurred within the phase of depression instead of during the transition from prosperity to depression.

Moderation in the violence of cyclical changes has led to revision of the old nomenclature. During the 1860's British bankers discovered methods of "panic financiering" enabling them greatly to moderate the credit strains which had been a prominent feature of past crises. Arrangements which assured all solvent borrowers of bank accommodation adequate to their needs, though at a high rate of interest, put an end to panic fears. Adaptations and extensions of the peculiar British measures in other countries, in combination with other lessons learned from past experience, have given many of the later transitions from prosperity to depression so mild a character that the word "crisis" seems scarcely fitting. Nowadays the term "recession" is widely used. Only a recession of a severity now uncommon, like that of 1920, is called a crisis.

Corresponding doubts are beginning to be harbored about the terms "prosperity" and "depression." There have been cycles in various countries in which the phase of increasing activity has not reached the pitch which "prosperity" suggests and in which the phase of declining activity seems not to justify the use of so strong a word as "depression." As substitutes the terms "expansion" and "contraction" are used here.

Even the latter pair may prove to have no more than a passing historical fitness. Statistical studies of cyclical behavior reveal not a few cases in which important processes have shown no actual shrinkage during the contraction phase of mild cycles. A stoppage of expansion is observed, or merely a retardation in the rate of growth. If the many sided efforts now under way to control business cycles succeed gradually, this attenuation of cyclical fluctuations will become common. Then the terms "expansion" and "contraction" will be replaced by some other pair such as "acceleration" and "retardation."

Differences Among Business Cycles and the Task of Explanation. Business cycles, then, are not a fixed species but an evolving one. To the familiar notion that individual cycles differ from each other because each is influenced by a unique constellation of random influences must be added the notion that business cycles are subject to secular changes. Coming into existence gradually with a certain form of economic organization, they have changed as this organization has changed. The geographical and the industrial scope of the oscillations has grown wider; their amplitudes have grown narrower. Needless to say this is a checkered development; but the trend is clear if one compares cycles separated by a century. Further, while the modern business world has a common pattern, every country has its own peculiarities of economic organization and development which affect its cyclical fluctuations.

The secular, national and random differences among business cycles have exercised not a little influence upon theoretical inquiries. The peculiarities of the case with which a writer is most familiar are likely to color his impressions of the general character of the phenomena, much as his personal idiosyncracies color his notions about human nature. The best safeguard against such misconceptions is study of objective records covering numerous cycles which occurred in different times and countries. Such study suggests that a complete theory of business cycles would explain not merely the tendency of all business economies to develop rhythmical alternations of expansion and contraction, but also the secular changes in the manifestations of this tendency, the differences among the cycles of different countries and the roles played by random factors. Though so ambitious a scheme may be visionary it is desirable to consider just what part of the full task any given theory essays to perform.

The following analytic description of a business cycle aims merely to sketch the leading features generally found in the recent cycles of such countries as the United States, England and Germany. It does not dwell upon the characteristic differences among the cycles of these countries, upon the secular changes which can be traced in each or upon the effects of random influences. Even the striking perturbations of the late war are passed over.

The Phase of Expansion. Since revivals are conceived to grow into periods of expansion, expansions into recessions, recessions into contractions and contractions into new revivals, a description of cyclical fluctuations may start with any phase. But whatever phase is chosen as the starting point, the business conditions out of which that phase arises must be taken for granted. How these conditions develop can be shown only by working forward through the cycle until the starting point is reached again. The present exposition breaks into the round of events at the point where a revival has gotten well under way. How the revival started is the last question to be answered.

Among the fruits of revival are an increase in the physical volume of production and trade, fuller employment, an upturn in commodity prices, brighter prospects of profits, an advance in the prices of stocks, the prevalence of optimism, a desire to expand business enterprises, larger borrowings, heavier investments in industrial equipment and rising interest rates.

For a time each of these developments supports and stimulates the further progress of all the others. Thus the increase in physical production and trade enlarges the demand for labor and swells the stream of income even before wage rates rise. Large wage disbursements broaden the market for consumers' goods and so support the increase in production not merely of goods which families consume but also of the materials and equipment from which and by which they are made. These swelling demands push up the prices of the goods which are being bought freely and of the materials from which they are made. The greater volume of trade betters business prospects and makes men optimistic; the rise of prices reenforces these factors. Optimistic expectations of profits promote the further expansion of production and trade, the employment of more labor and the advance of prices. All these factors combine to encourage investment, which stimulates construction work, which adds fresh impetus to the demand for goods, the rise of prices, the employment of labor, the disbursement of incomes, the growth of retail trade and the optimistic spirit, thus returning through a spiral of reactions to heighten investment itself.

Once started, then, the expansion of business becomes a cumulative process. In the absence of unfavorable random factors, when well under way even in the face of such factors, the movement seems to generate momentum. Nor is there anything mysterious about this appearance. For in modern nations, where most people get their livings by selling services or goods for money incomes and then spending money for goods, everyone helps to make the market for everyone else. The more one man gets the more he buys of consumers' or of producers' goods, and so the more other people are able to buy of what he has to sell. Hence an increase of activity at any point in the whole organization tends to spread and, through a series of reactions, to intensify the activities with which it started.

The Phase of Recession. Because of this interdependence among economic processes, however, expansion in any one process cannot exceed certain limits set by the synchronous expansion in other processes. These limits are neither uniform nor rigid; for economic organization is a rugged affair which does not require precise adjustments among its growing parts. Yet, since there is no adequate provision for keeping a balance, in every period of acceleration the cumulative expansion of different processes is so uneven as to produce a series of minor checks. The difficulties which are overcome reappear or are succeeded by more threatening stresses, and soon or late the cumulation of favorable influences turns into a cumulation of business troubles.

Profits are the focus of economic activities in a business economy. A pervasive but mild check upon the growth of profits comes into operation when expansion reaches the stage at which most enterprises have as much business as they can readily handle with their existing equipment of standard efficiency and with the trained personnel at their disposal. Before this stage was reached every additional order secured at current prices had promised a more than proportionate addition to profits because it distributed overhead costs over more units without raising operating costs per unit. But thereafter unit costs rise. A further expansion of business now requires the use of substandard equipment, the breaking in of new employees, who are likely on the average to be less efficient than the old, and additional overhead commitments. Raw material prices, wage rates and interest charges mount rapidly when business enterprises of many kinds are competing eagerly for supplies, labor and loans. Also it becomes difficult to maintain a high standard of operating efficiency when overtime is common, when discharge is a trifling penalty and when everything must be done in a rush both in the office and in the workshop.

The sovereign remedy for increasing unit costs is to raise selling prices. That remedy can be applied without checking the volume of trade while people expect the rise of prices to continue; but there are enterprises which cannot resort to it readily. Public utilities whose charges are regulated by governmental commissions, contractors who have taken long jobs for fixed sums and makers of goods which are sold at widely advertised prices cannot pass on the mounting costs to their customers promptly and in full. Thus a not insignificant minority of business enterprises may find their prospective profits shrinking as expansion runs on.

Another way to take business advantage of rising demands and to counteract rising costs is to increase plant capacity and to make the new plants more efficient than the old. That plan contributes to the activity of business for a time, but presently encounters difficulties. A wave of expansion usually brings an increase of contracts for new equipment before the old equipment is all in use; for business men try to anticipate their opportunities. The demand for new business buildings, factories, machinery, rolling stock and the like depends less on the physical volume of production than on changes in this volume. Any check in the rate at which the physical volume of business is growing will bring a positive decline in the contracts for new equipment. Then the equipment trades suffer, and all the more if, as is likely, the plants which themselves make steel, cement, machines, etc. have extended their facilities.

Such a check can scarcely be avoided as business is now conducted; for it is not possible to forecast accurately the growth in consumers' demand for all types of commodities and to adjust to this growth the expansion of industrial equipment, all of which depends in the last resort upon personal consumption for its market. Of course the equipment trades themselves give a powerful impetus to retail demand for commodities while they are disbursing wages for the making of goods which are not sold through retail shops. But when the new equipment is ready for use and begins adding to the supply of consumers' commodities offered for sale, not all the investments will prove profitable. Cases of "over-production" or "under-consumption" occur in every cycle. If they prove numerous they give rise to an impression that industry is "overbuilt" and check new orders for equipment. In any case it is not likely that the growth of physical demand for goods will long maintain the rapid pace characteristic of the early stages of expansion. All the other difficulties accumulating tend to moderate the rate of growth and so to produce acute difficulties in the equipment trades which will augment whatever troubles give rise to the check.

Meanwhile the intricate task of financing the swelling volume of trade at rising prices is becoming a problem. The best available data indicate that Americans spend some 50 to 60 percent of their money incomes at retail shops. Also it appears that individuals and business enterprises together "save" sums which average some 15 percent of the national income—that is, they spend this proportion of their net receipts for income bearing goods. There remains a considerable slice of income for rents, personal service, taxes and miscellanies. To maintain business activity the flow of incomes to individuals and from individuals to retail shops must expand with the dollar value of the consumers' goods flowing into shops for sale. At the same time the flow of "savings" from individuals and business enterprises must be kept growing at a steady pace, or the enterprises which make industrial equipment will suffer a slump.

It is argued that the whole congeries of business enterprises cannot long disburse as income sums which exceed the value of the goods they produce, and that if they disburse any smaller sum, part of the goods they sent to market must remain unsold or be sold at a loss. Prosperous enterprises do not disburse the full value of what they contribute to national production; they require larger working capitals and they deem it wise policy to accumulate reserves, which may not all be invested promptly in ways which sustain the demand for goods. Hence there is danger that the flow of individual and corporate incomes will lag behind the volume of goods seeking sale.

This deficiency of current income may be made up by bank loans, which put additional purchasing power at the disposal of the public. But that raises a new question of adjustment. If the banks extend their loans too freely the chief effect may be to accelerate the rise of prices and so presently to recreate the difficulty of finding enough purchasing power to buy all the goods sent to market. If the banks do not lend enough, or if they do not distribute their advances among different classes of buyers in the proportions required by business needs, some section of trade will suffer. Economists who stress this line of analysis commonly hold that consumers' incomes require supplementing by bank credit on a larger scale than is practised.

There remains the question as to how far the banks can go in furnishing the community with the additional credit required by expanding trade and rising prices. An increase of loans leads to a more or less equivalent increase of deposits and notes. While reserves are usually high in proportion to demand liabilities at revival, the ratio declines in the course of expansion, not only because deposits and notes grow with loans but also because the public keeps a greater volume of coin and paper money in its pockets and tills when wages are high and retail trade is active. Banks raise their discount rates; but that does not check promptly the demand for loans. They may get additional gold. But no matter how the banking system is organized there are limits below which it is not safe to let reserve ratios fall. When these elastic limits are approached the banks must discourage new applications for credit by very high discount rates and also set very exacting credit standards for new loans or even for renewals. If many enterprises cannot get loans at rates which leave a margin of profit business expansion will cease and there may be an epidemic of bankruptcies.

Although the preceding list of adjustments which must be maintained among different processes is not complete it suggests that, in the process of expanding, the business system may develop any one of numerous disorders. Neither business history nor business statistics supports the view that the decisive break always comes about in the same way. The sequence in which different time series reach their highest points and turn down varies from recession to recession. Usually several stresses seem to be accumulating during a period of expansion and the only question is which will overtax the factors of safety first. Random influences, such as harvest fluctuations, business conditions in foreign countries, the pet miscalculations of the day and the like, seem to exercise a considerable influence upon that event. And there seem to be secular changes in the character of expansions and recessions. Certain of the wilder excesses which characterized early booms seldom attain prominence today. But the fundamental difficulty remains of keeping all the important processes of a business economy duly adjusted to each other in a period when all are expanding. The more one studies the variety of cyclical patterns characteristic of different processes and the intricate ways in which different processes affect each other the more remarkable it appears that phases of expansion sometimes last several years. Two years is the average term in the United States, though four years was approached during the Civil War and again in the years 1915–18. In European countries the average duration exceeds three years, and periods of expansion outlasting four years are not uncommon.

Once a recession starts it commonly proceeds faster than does a revival, especially when the expansion has been accompanied by a marked growth of interlocking credits. A few conspicuous bankruptcies may alarm creditors and set them pressing for the prompt settlement of their claims. Unless the banks are able to reassure every solvent enterprise that it can get whatever accommodation it is entitled to, the recession will degenerate into a crisis or a panic. Granted this assurance, however, there may be little evidence of financial strain. Indeed, if the preceding phase of expansion has not reached the proportions of a boom and if the banking system is well organized and wisely managed, the recession may be as mild in character as are most revivals.

The Phase of Contraction is in many respects the reverse of the phase of expansion. Optimism gives way to pessimism, prices fall, production shrinks. In this general decline of activity there are significant differences of degree.

Consumers' demand, particularly for non-essentials, falls off appreciably in consequence of shrinking employment, the gradual spending of individual hoards and balances and the reduction of many non-wage incomes. Merchants require smaller stocks and cut their orders more than sales fall off. A similar policy is followed by other enterprises. Thus the reduction in volume of trade is amplified stage by stage as it travels back through wholesale dealers to manufacturers and producers of raw materials. Particularly severe is the decline of orders for new industrial equipment. Few enterprises care to sink money in extensions and betterments while most existing plants are either operating at but a fraction of their capacity or standing idle. Of course these changes react upon one another. Every reduction in production means less employment, less wage disbursements and thus less ability to buy at retail, still less production and less employment.

Similar differences mark the decline in prices. Wholesale prices fall faster than retail, the prices of producers' goods faster than the prices of consumers' goods and the prices of raw materials faster than the prices of finished commodities. The prices of crops may not follow this course because of harvest conditions; raw metal prices show the market conditions best. Wage rates (not wage disbursements) and interest on long time loans decline less than wholesale prices, while discount rates and common stock prices decline more. The one important class of prices which commonly rise in contraction are the prices of high grade bonds.

These developments reduce the profits of almost all enterprises and bring deficits to many. The number of bankruptcies usually grows larger in contraction than it was during recession, although the average liabilities decline. Losses must be written off and reorganizations submitted to. With the reduction of inventories, current accounts and payrolls, less working capital is required and bank loans shrink.

As in the phase of expansion, so in that of contraction, there is an early period when every change seems to work in the same direction. One shrinkage forces others and is made more drastic by roundabout reactions from its own effects. But in the later phase as in the earlier the concatenated changes presently begin to raise obstacles to their own continuation.

The Phase of Revival. As unemployment increases and retail trade declines men have less money left in their pockets and shops need less in their tills. Idle cash accumulates in the banks and flows from the country districts toward the great financial centers. Combined with the net decline in bank loans, this flow raises reserve ratios. Discount rates fall very low, call rates lower still—sometimes so low that there is a margin of profit in buying gilt edged securities with borrowed funds. Such a condition in the leading money markets presently reinvigorates the demand for stocks and bonds. The stock market often revives in this way while general business is still at low ebb. An increased demand and rising prices of stocks are hailed as an encouraging sign.

Meanwhile the difficulty of making profits has put pressure upon business managements to improve their practise. The wastes, big and little, which often creep in during the rush of prosperity are discovered and eliminated. The reduced volume of business can be handled with the best of existing equipment and the most efficient personnel. There is plenty of time to supervise current operations closely, and also to devise plans for heightening efficiency. Overhead costs are in many cases cut by financial readjustments and operating costs by the fall in the prices of materials as well as by more skilful management. In some cases these changes are sufficient to restore a not unsatisfactory rate of earnings even while selling prices remain low.

An abundance of loan capital to be had at moderate rates has somewhat the same effect upon construction work that it has upon the demand for securities. Building materials can be had cheaply, building labor is eager for jobs, contracting firms will figure closely, prompt deliveries and prompt construction can be counted on. Even though the current demand for new housing or equipment is slight, investors are found who think it well to anticipate revival and build while work can be done at low costs and long time financing arranged on easy terms.

Even the business in consumers' goods must presently look up. When times are dull retail merchants let their stocks run as low as they can without losing too many sales through broken assortments. This possibility of reducing stock was one of the factors which had enabled them to cut their purchases for a time more than their sales fell off. But once their stocks are reduced to the minimum of safety they must order at least as much as they sell. This means some increase of business for wholesale and manufacturing concerns. Indeed, if the rate at which their sales are shrinking becomes smaller, retailers must order more than they sell. Thus the mercantile demand for consumers' goods may begin to increase at the same time that retail sales are still contracting.

Also there are physical reasons compelling an expansion of consumer demand for certain types of goods. Shoes, clothing, house furnishings of many kinds can be kept in use a longer or shorter time according to the state of peoples' pocketbooks. When hard times come many families economize by using these semi-durable goods as long as possible. Hence the demand for such articles falls off more in the early stages of contraction than the demand for staple groceries. But the time comes when an increasing number of the old articles are literally worn out. Then the indispensables at least must be replaced, if money or credit can be had in any wise. And that means another fillip to trade.

A similar observation applies to industrial equipment. Under pressure of hard times repairs, upkeep and renewals may be neglected for a while, not to speak of extensions and betterments. But that can be but a temporary policy. Whatever equipment is used must be kept in running order. The more it is neglected for a time the more work must presently be given to repair shops and equipment houses. Even the hardest pressed and most conservative enterprises are forced into this policy, if they stay in business. The more enterprising in trades which have been growing rapidly sometimes grasp the breathing spell of a slack year to build anew, planning to "junk" their old plants when the more efficient equipment is ready. Thus while the equipment trades may have an exceedingly lean season they are sure of some increase in business after a while.

Nor can prices keep on falling rapidly for an indefinite time. In the face of threatened bankruptcy an embarrassed house may sacrifice accumulated stocks for what can be had. But men will not buy materials and make up new supplies unless they can get back at least their operating costs. These costs in turn are aggregates of prices, including the prices of labor, and it is difficult to beat them all down. Nor can the still more resistant overhead costs be left out of selling prices for long without disastrous consequences. As prices get lower and lower the rate of decline flattens out. Buyers see less gain in holding off for still better bargains, and begin to fear they may wait overlong and get caught on a rising market. The first sign that the low point has been reached in any line is likely to bring out a flood of orders and to encourage other sellers to resist further concessions.

Business sentiment also becomes less pessimistic. As the liquidation wears on the worst becomes known and proves less serious than many had expected. Bankruptcies grow fewer again; everyone realizes that others are being cautious; the majority of enterprises have proved their solvency; outstanding debts have been reduced. Confidence slowly revives, and men begin to remind each other that every past period of depression has been followed by a revival. How soon business will turn the next corner becomes the question of the day.

None of these encouraging developments has great momentum. Though each favorable change reenforces the other elements of strength, unfavorable random or secular factors may check one slight improvement after another. Thus the phase of contraction is sometimes prolonged in a most discouraging fashion, as has been the case in England, for example, since 1921. In the United States the depression of 1873–79 dragged on for nearly five and a half years, whereas the longest period of expansion in times of peace since the 1850's has not exceeded three years. But cyclical developments of a favorable cast keep cropping up. The time comes when they are not offset by "disturbing causes," or when they are reenforced by favorable developments from outside the realm of business. Then a revival makes itself felt and a new cycle begins. On the average in this country from 1855 to 1927 the phases of contraction lasted some twenty or twenty-one months as compared with twenty-five months for phases of expansion.

Wesley C. Mitchell

See: Business; Capitalism; Industrialism; Boom; Bubbles, Speculative; Crises; Conjuncture; Forecasting, Business; Time Series; Economics; Economic Policy; Unemployment; Public Works; Credit Control; Price Stabilization.

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BUSINESS EDUCATION. A consideration of any form of vocational education commonly proceeds upon the mistaken assumption that such training is a comparatively new social undertaking. It is thought of as instruction in doing, which in recent years has replaced in some measure instruction in culture. The error in such a view lies in an unduly limited conception of a vocation which subordinates it to a secondary place in life, makes it somewhat, if not wholly, antithetical to culture and confuses it with the specialized occupationalism of recent times. Yet a vocation, as John Dewey said, "means nothing but such a direction of life activities as renders them perceptibly significant to a person, because of the consequences they accomplish, and also useful to his associates." It follows that so far in the past as there was training calculated to aid in rendering life activities perceptibly significant and socially useful there was training in the "business" of practical and social affairs. That such a training is old in race history is evidenced by the instruction in tribal traditions, customs, rituals and tabus with reference to such practical matters as work, war and propitiation which is found among all primitive peoples. The folkways, which are the "right ways," of carrying on the arts of life are handed on from generation to generation.

It was when making a living by business became an outstanding part of the business of making a living that business education in a more definite sense became distinguishable from other vocational education. We may look for the beginning of business education in this restricted sense wherever an economic system based on the effecting of profitable transactions is first to be found. The experiences of the ancient Egyptians, Assyrians, Persians and Phoenicians were first paralleled in modern times in Italy. There is evidence that at least as early as the fourteenth century not only was the practise of commercial arithmetic and accounting well developed in several of the Italian cities but that there was also a literature upon each of these subjects.

The characteristic mediaeval form of business training was apprenticeship. Apprenticeship not only trained in technical skill; it was also an institution designed to give candidates for membership in the guilds the ability to carry on business in a difficult economic and social environment. The problems of a business man, multiplied by the expansion of the business system, were already complex for the mediaeval craftsman. Within shop or store customers must be dealt with, materials bought, production skill had or hired, satisfactory relations with employees attained and capital needs met. Moreover the ordinances of the town relative to wages, discipline, conditions of work, quality of wares and many other matters had to be understood and their provisions met. Apprenticeship prepared the novice for the carrying on of business in this complicated environment partly by formal direction, partly by precept and partly by intimate contact with the life of the master. It continued to be the most significant form of education for business until with the application of steam to industry the machine became more important than the artisan.

With the displacement of the guild system new and more restricted forms of business education developed. The earliest commercial schools and the most advanced types of modern business schools are to be found in Europe; but it is in the United States that business education has developed most extensively. The characteristic forms and the widespread adoption of business education in America were conditioned by the rapid expansion of industry in the nineteenth century. Mass production, the new market created by the tremendous westward movement of population and a large volume of business transacted with distant customers made necessary a vast amount of what have been called the "facilitating processes" of business. Letters had to be written, transactions recorded, extensive calculations of many sorts made. Calculation, accounting and communication were called upon to function as they had not been called upon before. This work did not demand the daring, intelligence or initiative needed by the organizers of expanding trade. What was required was accuracy, exactness and care in the performance of specialized clerical tasks. To provide these habits and skills there appeared—at first in a primitive form and later in a highly organized way—the private commercial school often inaptly called the business college.

Itinerant "penmen" played a part in this development and there are various claims to the honor of founding the first school, but the year 1853 opened a new period in the movement. In that year Bryant and Stratton formed a partnership which developed into a plan for a chain of schools with a unit in every city of over 10,000 population. Uniform textbooks and interchangeable scholarships were to nullify the student's risk in moving before a course was completed. Although the chain did not achieve its purpose before it fell victim to opposing forces, its plan of organization was widely imitated. The success of the private schools led to vigorous demand for commercial training at public expense. Although a beginning in this direction was made in Boston, Philadelphia and St. Louis not long after the middle of the century, it was not until the nineties that the important growth of commercial work in the public high schools occurred.

To the forces already indicated the invention of the typewriter proved an important addition. Following the patenting of various "typographers" the typewriter became a practical tool in the seventies. English systems of shorthand, already widely used in America for court and literary work, had been of less use to business. After a period of experimentation in which the typewriter proved its practicability, business seized upon it for use in combination with stenography. Courses in the use of the typewriter and in stenography as phases of training for business communication soon came to outrank all other types of secondary business courses except bookkeeping. Registration in high school commercial courses increased from 15,000 in 1893 to more than 75,000 in 1900, this increase being almost three times as great as the increase in high school enrolment during the same period. At the turn of the century there were two well developed agencies in business education in the United States, the privately operated commercial school and the commercial course in public high schools. The spirit and in large part the form of the second were in imitation of the first.

In the succeeding years these agencies have expanded in various ways while certain new ones have attained prominence. In private commercial schools the growth has been chiefly in numbers, with the greatest expansion in 1920 when there were approximately 336,000 students enrolled. Since that time there has been a steady decline, the most recent figures indicating that there are about 188,000 registered. The curriculum continues to emphasize bookkeeping, stenography and typewriting, but telegraphy has been included by many schools and there are also courses in selling, advertising and other subjects in imitation of curricula of the collegiate schools of business. A considerable number of private schools purporting to be of collegiate level have sprung up and many of the older commercial schools are including "university" or "college of commerce" in their titles. There is a further tendency among these schools, many of which have always been under criticism, to seek the approval of state departments of public instruction or other accrediting agencies. Such indirect regulation usually effects an improvement in curricula and methods.

Business training in the public high schools has in the last quarter of a century grown to enormous proportions. Toward the close of 1929 a report of the United States Bureau of Education stated that of approximately 1,000,000 students enrolled in business courses in various types of schools two thirds were in the public high schools. Between 1922 and 1928 there was an increase of 72 percent in the enrolments in commercial subjects offered in these institutions, bringing the total so enrolled to 17 percent of all public high school students. Two thirds of these are girls and the proportion of girls is increasing. While a great majority of high schools offer a four-year business course, a two-year course is common. The high school has also developed new departments through which it gives commercial work: high schools of commerce devoted solely to business teaching now exist in a number of cities; high school evening commercial courses are common; short intensive postgraduate technical courses are available in some places. High school commercial courses in general still represent mass production methods applied to the clerk making which the early "penmen" found profitable. But investigations which have disclosed that much of the training has been misdirected and that pupils do not find or remain in the type of work emphasized in the courses given have already led to some reorganization. There is a new emphasis upon a generalized clerical course and upon retail selling; training for the latter is often given in cooperation with department stores. Of broader purpose is the effort of a few persons to reconstruct the work more fundamentally, to make of business teaching in the secondary schools a device for realistic study of modern economic and social culture. A degree of success resulting from these efforts is shown in the increased interest in social sciences, in business curricula, in the improved textbooks for this work and in the growing demand for college graduates as teachers. Business teaching in the high schools is molded chiefly by a few universities, by teacher training in the normal schools which, however, is recent and limited, by the activities of the federal Bureau of Education and of the federal Board for Vocational Education and by teachers' association meetings.

In the past decade new agencies have become important in business education. One of these is the correspondence school which, with the exception of correspondence extension divisions maintained by a few universities, is a private enterprise like the business college. These schools prepare an educational product, usually packaged in a set of texts or a series of printed lessons or both, which they sell through advertising and personal solicitation. Some such schools offer general courses; others provide specialized training almost as varied as human occupations. A second agency is the company school formerly called the corporation school. Such schools established by business concerns under their own direction are effective in giving detailed instruction in the needs of a particular business.

The collegiate school of business is undoubtedly the most noteworthy of the more recently developed institutions for business education. Its growth during the past ten years has far outdistanced that of all other similar institutions. Enrolment in business curricula in colleges and universities has grown from about 9000 in 1915 to about 60,000 in 1930. In contrast to the situation in secondary schools six out of seven of the students are men. Such schools are parts of colleges or universities, paralleling in university organization schools of law and medicine and to some extent animated by the desire to give similar status to the practise of business. In a sense they grew out of the agricultural and engineering schools which emphasize the production aspects of business. The increasing competition of the second half of the nineteenth century which centered attention on the organization and directive features of business stimulated the appearance of collegiate schools of business. The first school of this type was the Wharton School of Finance and Economy established at the University of Pennsylvania in 1881. No other was founded until 1898, when both the University of Chicago and the University of California announced such schools. There are now between 180 and 200 colleges or universities with some formally recognized business school or unit, most of which are in origin offshoots of departments of economics. Two schools, those of Harvard and Stanford, operate solely on a graduate level; others are chiefly undergraduate schools, but those affiliated with universities usually provide some graduate work. Harvard University and the University of Chicago have been prominent in planning curricula and in producing teaching materials.

The collegiate school of business faced many difficult problems during its distinctly experimental period of growth. It had no curriculum unless it was satisfied to imitate secondary schools; it had no teaching material and no properly trained instructors; the level upon which work should be given had to be determined. There were also difficulties of adjustment to other university divisions, particularly the departments of economics. Relationships with secondary commercial schools had to be established, and an intelligent contact between the new schools and business required development. By no means have all of these problems been solved. An underlying problem of organization remains—that of a social versus an administrative outlook. Most schools have frankly assumed an administrative point of view, but while some have interpreted this to mean chiefly a study of internal control methods others have included a consideration of the social incidence of business and even of its social responsibility. Most schools waver somewhat indefinitely between the two views. The critics of the collegiate school of business believe that as it develops teaching material and a staff distinct from departments of economics its spirit is narrowed and its work made more technical. Its more optimistic friends see in it the source of a new realism for economic study and an opportunity to give to business a more social outlook as well as a better administration. Certainly its vigor, its popularity, its contact with reality and its obvious relationship to a major social interest make it a force of great consequence in the development of higher education and possibly of social organization.

In Europe special commercial schools had a longer history. They sprang up in older commercial centers under the auspices of merchants' organizations or of private enterprise and later were incorporated into state or municipal systems of instruction. In England, however, specialized commercial education did not develop until the end of the century. E. J. James stated in 1893: "It is not far from the truth to say that there is no such instruction given in England at all." Public commercial education in that country was made possible by the Technical Instruction Act of 1889 which gave local authorities power to raise money for the purposes of technical instruction. The chief agencies at present are the so-called continuation schools, attendance at which is voluntary on the part of those leaving the elementary schools and which make provision for both junior and senior commercial courses. The private commercial school also flourishes in England and in contrast to its position in America appeals to a more exclusive group than do "the provided schools." Training of university grade was first undertaken in Birmingham in 1901 and is to be found usually in a three-year course in some of the universities. In France there is some commercial instruction in schools of primary and intermediate type. So-called superior schools of commerce were recognized by official decree in 1890. Most important of the higher schools is the École des Hautes Études Commerciales, which was established by private enterprise in 1820 and later taken over by the Paris Chamber of Commerce.

The history of special commercial schools is somewhat different in the newer states of Europe, established at the time when the rapid economic development of the nation had already become the prime concern of the statesman. After 1870 Germany built up a system of higher technical schools which included the *Handelshochschule* type for advanced training in business. The latter provide graduate work in social economics as well as in business administration; in some cases they offer better courses in empirical and statistical economic disciplines than those available at the universities prior to the post-war reorganization. Below the *Handelshochschule* are the elementary and secondary commercial schools including the commercial form of continuation school and a variety of types established by states, municipalities and private enterprise. The courses in these schools vary in length from one to three years. Similarly in Italy the trend has been to work downward from the top rather than upward from the bottom. Modern commercial education began with the establishment in Venice of a Commercial Institute of university grade in 1868. Later a number of other higher commercial schools were organized. These greatly influence the types of work done in the "complementary schools," the "commercial schools" and the "commercial institutes."

Of the post-Versailles new countries Czechoslovakia is foremost in vigorous expansion of business education. Before the war such education developed to some degree against the definite opposition of Austria; following independence in 1918 a large number of commercial academies, apprentice continuation schools and two-year business schools were established. The Graduate School of Commerce was founded at Prague in 1919 by a law which stated that its purpose was "to offer to students an advanced training in business and economics so that they may become . . . the organizers of the economic life of the Republic." This statement of the role of an advanced school of business is curiously in line with the most sanguine expressions of opinion that have been put forward in the United States.

LEVERETT S. LYON

See: BUSINESS; BUSINESS ADMINISTRATION; CLERICAL OCCUPATIONS; APPRENTICESHIP; VOCATIONAL EDUCATION; PUBLIC EDUCATION; CORRESPONDENCE SCHOOLS; INDUSTRIAL EDUCATION.

Consult: Pirenne, Henri, "L'instruction des marchands au moyen âge" in *Annales d'histoire économique et sociale*, vol. i (1929) 13–28; Lyon, L. S., *Education for Business* (Chicago 1922), and *A Survey of Commercial Education in the Public High Schools of the United States* (Chicago 1919); Marvin, C. H., *Commercial Education in Secondary Schools* (New York 1922); *The Collegiate School of Business*, ed. by L. C. Marshall and others (Chicago 1928); Addresses by Owen D. Young, Edwin F. Gay and Wallace B. Donham, published in *Harvard Business Review*, vol. v (1927) 385–405; Herrick, C. A., *The Meaning and Practice of Commercial Education* (New York 1904); James, E. J., *Education of Business Men in Europe* (New York 1893); Léautey, Eugène, *L'enseignement commercial et les écoles de commerce en France et dans le monde entier* (Paris 1886); Cahn, Gaston, *Le commerce et les hautes études* (Lausanne 1928); Ashley, W. J., *Commercial Education* (London 1926); Foubert, Auguste, *L'enseignement commercial supérieur en France et à l'étranger* (Paris 1922); Arndt, Paul, *Das Studium auf der Handelshochschule*, Volkswirtschaftliche Zeitfragen series (Berlin 1903); Blum, Theodor, *Das deutsche Handelsschulwesen* (Leipsic 1911); Farrington, F. E., *Commercial Education in Germany* (New York 1914); Buonocore, Giuseppe, *L'insegnamento commerciale in Italia* (Rome 1913); "Proceedings of the International Congress on Commercial Education, Amsterdam 1929" in *International Review for Commercial Education*, 2nd ser., no. 7 (1929) 461–506. The *International Review for Commercial Education*, published since 1926, contains articles on the history and current state of commercial education in Europe and America.

BUSINESS ETHICS. The ethical standards of business have until recently been determined by external agencies. For centuries the church was the chief critic of business methods or, as in Calvinism, provided business with its apologies. Later the state, often at the request of business men themselves, made business ethics coherent and effective in the form of legislation and adjudication. During the last century, however, church and state have failed to keep pace with the changing methods and growing complexities of industry and business, while business men themselves have indicated a willingness and capacity for that self-government which is one of the most characteristic features of present day social phenomena.

The development of business ethics was preceded by the rise of professional ethics, especially in law and medicine. Although professional and business ethics are sufficiently similar to suggest mutually fruitful and provocative problems, there is danger of making the analogy "walk on all fours" to the detriment of both. The professions are engaged essentially in furnishing services, whereas business deals largely in goods; in business sound credit arrangements and fair profits can be emphasized to a greater degree than is compatible with professional practise. The failure to appreciate these distinctions may encourage professional men and others to develop a supercilious attitude toward business practises, a view frequently acquiesced in by business men themselves. The development of business as well as professional ethics, however, is a part of the modern pluralistic social autonomy participated in by churches, labor unions, fraternal organizations and other social groups.

The more obvious problems in business ethics arise in connection with misrepresentations such as misleading advertisements and labels, with trade "piracy" adulterations and substitutions, commercial bribery and excessive "treating," false assertions regarding company affiliations or the source of goods or the process. Many problems in business ethics develop out of the structure of business and the functions made necessary by it. If the corporation is the warp of the business fabric, then the trade association may be likened to the woof. Wholesalers and retailers have been trying through trade associations to maintain their distinctive functions, emphasizing "legitimate" trade channels as opposed to the chain store and mail order house. Price policies involve the ethical problems of price cutting, "resale price maintenance" and discriminatory price schedules under the guise of "trade discounts" or "classification of customers."

The incidence of such practises is not confined exclusively to the purchaser-consumer; the self-damage to the trade as a whole is frequently as serious as it is unrecognized. Hence business ethics takes into account the harm done to the competitor, who has no redress in the courts and who in order to survive must frequently stoop to the tactics of his rival. Furthermore, business ethics becomes identified with sound economic policy: honest cost accounting, adequate and accurate business knowledge, sound credit arrangements and the necessity of securing a fair profit. Whereas the law and morals attach particular significance to motives, business ethics emphasizes the effect of business practises and condemns an ignorant competitor as much as it does a wilfully dishonest one.

In the United States the conscious development of business ethics by business men themselves consisted a decade or two ago in the formulation of so-called "codes of business ethics." Although many of these declarations were only vague generalities or hypocritical camouflage, they were symptomatic of a movement toward improved business relations and have more recently reflected the facts as well as the norms of business. The *Principles of Business Conduct*, a pamphlet distributed by the Chamber of Commerce of the United States, serves as a model to various businesses, especially to trade associations, in applying the spirit of the code to their own particular conditions. Similarly Rotary International has sponsored a code. But such codes at best are mere constitutional frameworks; to function effectively they need amplification and interpretation with reference to particular situations. A supreme court of business and subsidiary arbitration boards are as necessary to business ethics as an even more active Chamber of Commerce with its constituent local branches.

The Federal Trade Commission was established in 1914 to take administrative jurisdiction over cases of "unfair" business practises which did not ordinarily fall within the scope of constitutive law. For a number of years the commission proceeded against individuals or corporations in much the same manner that had previously characterized the activities of church and state. Within the last four years, however, the commission has been encouraging various trade groups to endorse or condemn current trade practises; the commission then uses these "submittals" as the basis for its subsequent activities. The Department of Commerce has also induced business groups to assume responsibilities which the government could not appropriate without becoming paternalistic and which business men hesitated to undertake because of the fear of government disapproval.

A Better Business Bureau operates in each of over fifty cities in the United States. These bureaus, an outgrowth of the Vigilance Committee of the Associated Advertising Clubs, are financed by merchants and bankers through voluntary subscriptions. A merchandise section checks on advertising claims by following up customers' complaints and by sending out its own shoppers. A financial department is also available to investors, prospective or suspicious, to assist them in distinguishing investments from speculations and frauds. Bulletins are published periodically, reporting quite frankly and in detail the activities and findings of the bureaus, while a number of newspapers give the subject general publicity. Through such agencies business has been setting its house in order, especially as regards the rights of the consumer-purchaser.

Since investment banking occupies the key position in the modern business structure the development of ethical standards in this field is of particular importance. Each investment issue is sufficiently large and unique to warrant a separate ethical analysis, especially as regards fixing the responsibility for its security. The obligation to develop public confidence and financial stability, common to investment and commercial bankers, represents values formerly associated only with artistic achievements, political stability and spiritual immortality. Whether the banker can retain his hold on social confidence depends on his willingness to assume the accompanying responsibilities: determining to what degree an investment house should control the management of a company which it finances, and to what extent reliable and accurate information as to the business should be imparted to others, especially to prospective investors. The financial structure of corporations frequently determines their fate and vitally affects the fortunes of creditors, stockholders, management and workmen. The caveat emptor rule, seriously questioned in the field of marketing, may be even less defensible in the field of investment, where exploitation may lead to an excessive and ruinous appropriation of the savings of many people and the wrecking of their faith in the business structure.

The speculative values of new or reorganized business enterprises soon become tempered into investment values through the agency of an "exchange." The New York Stock Exchange has developed a constitution and rules which are probably more strict than could be attempted by legislation, since legislation if carried to that extent would have to apply generally to all business, large and small, a standard of conduct which is probably impossible of achievement beyond the restricted membership of the exchange. Through the agency of the exchange the capital values of corporations become objective and minutely measurable, thus affording a scientific basis for determining the ethical as well as the economic and business problems which arise.

The self-consciousness of trade interests, exhibited in corporation and association activities and expressed in principles of business ethics, is a social phenomenon analogous to the guild movement of the later Middle Ages. Whereas the mediaeval guild, however, was essentially local in character, with a restricted and yet compulsory membership, the trade association is generally national in scope, with its membership on a voluntary basis and with a consequently less compact organization. The guilds' endeavor to control the product from source to final sales resembled the vertical integrations achieved by the modern corporation. At the time of the guilds, however, national governments and a common law had not yet arisen; hence the guilds filled a very definite need for the protection and encouragement of industries and commerce.

As the development of national laws in Europe supplanted in large part the local and municipal laws and *coutumes*, they assumed the more general regulation of business. On the continent there has resulted a skeptical attitude toward "business ethics": unless the business act falls afoul either of the law or of sound economics, no further regulation seems necessary. In England, similarly, trade regulations were incorporated into parliamentary statutes or, as with the Law Merchant, were absorbed by the common law. Thus the basic business mores, such as good quality of materials, honest workmanship, sanctity of contracts, commercial arbitration and a strict sense of fiduciary relationships, although fundamentally sustained by public opinion, are effectively sanctioned by law to a greater extent than in the United States, even though in England the doctrine of laissez faire has not yet been qualified by such measures as the Sherman Anti-Trust Act, the Federal Trade Commission Act and the Clayton Act.

It is in part as a reaction to such legal control of business that self-government and ethics in business have become dominant in American corporation and trade association policies. Centralized political control, so characteristic of western civilization during the past few centuries, is giving way to a pluralistic functional autonomy of business groups. This situation has been intensified by the fact that economics has maintained such an abstruse and abstract character as to afford little guidance for the more intricate problems of business behavior; hence the empirical nature of business ethics. The inevitable tendency to become absorbed in law or economics may eventually leave no residuum of business ethics, strictly so called, but at present the field is teeming with rich material.

Methodologically, business ethics is still in a formative state. The "code" stage is definitely a matter of the past, having been superseded by the "trade practise submittal" and the formulation of corporation policies. The latter, however, in spite of their empirical foundation, represent but the beginning of an adequate method of study and control. Business decisions, although devoid of the sanctions vested in the courts and therefore not amenable to the rule of *stare decisis*, are cumulative in that they contribute to the development of certain empirical generalizations as to business policy. Indeed the changing conditions to which business life is constantly subject would make inexpedient as rigid a system of precedent as prevails in the law. The most subtle problem of business ethics consists in discovering the sanctions which prevail in business activities and which therefore must be relied upon in order to effect the appropriate measure of control over business conduct. Whether this control will be relatively extrinsic or intrinsic rests in large part with business men themselves.

C. F. Taeusch

See: Professional Ethics; Business; Business Education; Trade Associations; Chambers of Commerce; Arbitration, Commercial; Government Regulation of Industry.

Consult: Taeusch, C. F., *Professional and Business Ethics* (New York 1926); Heermance, E. L., *Codes of Ethics* (Burlington, Vt. 1924); *The Ethical Problems of Modern Finance*, Vawter Foundation Lectures on Business Ethics, Northwestern University (New York 1930); articles by Owen D. Young, W. Lawrence, E. F. Gay and W. B. Donham in *Harvard Business Review*, vol. v (1927) 385–419; Klein, Julius, "Business" in *Whither Mankind*, ed. by C. A. Beard (New York 1928) ch. iv; Richardson, John, "Business Policing itself through Better Business Bureaus" in *Harvard Business Review*, vol. ix (1930) 69–77; Calhoun, G. M., *The Ancient Greeks and the Evolution of Standards in Business* (Boston 1926); Tawney, R. H., *Religion and the Rise of Capitalism* (New York 1926); Henderson, Gerard C., *The Federal Trade Commission* (New Haven 1924); Stevens, W. H. S., *Unfair Competition* (Chicago 1917); United States, Federal Trade Commission, *Annual Reports* (published since 1915), and *Trade Practice Submittals* (1925); United States, Department of Commerce, "Trade Association Activities," *Domestic Commerce Series*, no. 20 (1927).

BUSINESS, GOVERNMENT SERVICES FOR. The concept of the proper relation between business and government has varied with changes in the economic and political fabric of society. The typical economist, political scientist or practical business man of the nineteenth century, influenced by classical economic theory, by the obvious inadequacies and hindrances of mercantilist regulations and by the rapid growth of industry and commerce under unrestricted free enterprise, was convinced that a minimum of state interference was the normal, good course. In fact, however, the span of bona fide laissez faire as an actual policy has been relatively brief. Government has always been concerned with business, although the reasons therefor have varied widely in different ages.

Elaborate regulation of industry and trade by the town councils is a well known aspect of life in the Middle Ages. But the purpose of the strict requirements was service to the consumer rather than to industry as such. The quality of workmanship and of materials was subjected to scrutiny in order to protect the purchaser. While it is true that in some of the town fairs the rules favored local merchants and handicapped foreigners it is fair to say that industry had no significant service from governing bodies during the Middle Ages. With the growth of national states and the beginnings of capitalism the promotion of industry and trade came to be a prime concern of governments. The emphasis, however, was not upon industry but upon the state. The mercantilist doctrines of regulation of production and control of trade, which flourished in the sixteenth, seventeenth and early eighteenth centuries, were based upon faith in gold and a favorable balance of trade as the means to promote strong national states. Colonial expansion became desirable as a means to secure markets. Great trading companies such as the Dutch West India Company and the (British) East India Company were given enormous land grants and were supported by their governments in matters of direct or indirect territorial aggression. Such activities were regarded as directly contributing to the welfare of the state. Cameralism even more narrowly than mercantilism regarded revenue to the prince (which term was practically synonymous with the state) as the chief aim of economic activity.

The laissez faire reaction of the eighteenth century was based upon a changed concept of national wealth; national riches were no longer identified with riches of the sovereign but with those of the people. With the rise of the bourgeoisie to control of government increase of the national wealth in its new sense became a chief interest of government. The newly acquired power of the industrial classes was used to remove the outworn system of restrictions and regulations and to give business enterprise a free hand. The new philosophy was that the greater the prosperity of the people, the greater would be the prosperity of the state and that the means to both of these happy ends was to unfetter business. The repeal of the corn laws, abolition of bounties on exports, lowering and repeal of tariffs, were manifestations of bourgeois use of political power to secure freedom for business activity, a movement which reached its peak in the twenty years from 1850 to 1870.

After the Franco-Prussian War the spirit of liberalism waned and it came to be believed that the problem of finding markets for the ever growing output of the factories was of increasing magnitude. The bourgeoisie then began to clamor for government assistance and there emerged a new interpretation of the relation between business and government. Business, once regarded desirable principally as a producer of taxable income, gained in relative importance until today commerce is, according to Chamberlain, "the greatest of political interests." The aggressively nationalistic attitude of the later nineteenth century resulted in closer union between business and government as partners in the world struggle.

It was in this spirit that the most conspicuous government services for business were developed. Business received assistance most readily in those phases which were directly affected by international competition. To assist merchants to outsell the foreigner became the primary aim of the governmental departments devoted to the commercial interests of the state. It is not surprising then that the first important examples of specific government aid to industry occur in connection with foreign trade and that from such nuclei has developed a vast network of governmental bureaus, departments and offices whose primary function is the promotion of trade and industry.

Departments or ministries of commerce have been established in practically all industrial and commercial countries. Although their structure and relationship to other governmental departments vary from country to country they engage in similar activities. Virtually every country has a system for maintaining officers in residence abroad who report to a central office at home regarding such details of business conditions as prices, marketing possibilities for specific commodities, tariff and customs policies and harbor and inland transportation facilities in the localities in which they are domiciled. Prior to the nineteenth century fragments of such information came from business men without special training already residing abroad, who were appointed as consuls, and by 1832 there had developed a universal system of trained consular service. The consuls do not represent the state as a political body but are business or commercial agents. Their duties are prescribed by the state which sends them but may be limited by the state which receives them, usually on the basis of already existing consular treaties. Within recent years the consuls have been supplemented by commercial attachés, trade commissioners and other special agents who are particularly effective in securing information regarding trade possibilities. Every possible publicity is given to such information. It is published and circularized in reports and bulletins of the respective ministries or departments. In many countries main and branch consulting offices are maintained where the material can be secured first hand. The foreign agents of the government when home on leave are available at these offices for consultation with business men. Exporters and merchants are invited to enter their names upon private lists which are circularized with material of a specific nature as it becomes available.

The French Ministère du Commerce et de l'Industrie, which assumed its present form in 1886, is an outgrowth of one of the earliest examples of official recognition of needs of trade. Although a separate ministry to look after the needs of commerce was not created till 1831 its origin dates back to 1588 when all commercial matters were placed under the supervision of Martin Ruze, Seigneur de Beaulieu.

The Office National du Commerce Extérieur, founded in 1898 through the cooperation of the Chambre de Commerce de Paris with the Ministère du Commerce et de l'Industrie, is the distributor of trade information relating both to the foreign and to the domestic market. This Office National maintains fourteen branch offices in France. Commercial attachés and commercial agents under the supervision of the minister of commerce are stationed in foreign countries. In the instructions issued to them the commercial attachés are defined as primarily advisers of the ambassadors and consuls. They must keep the Ministère du Commerce informed of important commercial events and supervise the various trade promoting activities of the government in their territory.

Coordination is brought about largely through the Office National, which is administered by a director assisted by a council of nineteen members variously appointed by the Chambre des Députés, the president of the Chambre de Commerce de Paris, the Assemblée des Présidents des Chambres de Commerce and the minister of commerce.

Great Britain has no actual ministry of commerce. The functions which might be fulfilled by such a ministry are distributed among various departments of state but are chiefly brought under the care of the Board of Trade. It is commonly accepted that the germ of this body may be found in the special committee of the King's Privy Council, which was directed in 1621 "to take into their consideration the true causes of the decay of trade and scarcity of coyne within the Kingdom and to consult of the means for removing of these inconveniences." Under Cromwell a Committee and Standing Council for the Advance and Regulation of the Trade and Navigation of the Commonwealth, composed of more than seventy members and appointed in 1655, gave this committee more permanent form. This council, dissolved in 1674, was reborn in different form under William III and entrusted with the administration of the "plantations." It passed through a period of great prominence from 1747 to 1761 under the leadership of the Earl of Halifax. Declining in importance it was abolished by Parliament in 1782 only to be reestablished with enlarged powers by William Pitt by order in council on August 23, 1786. This order still forms the fundamental instrument from which the Board of Trade derives its general authority. In its early years the board performed largely advisory functions but in later years has become more of an administrative body.

Interimperial coordination of trade promotion in the British Empire has been accomplished by means of trade commissioners appointed by the Board of Trade serving as representatives in the dominions and dominion representatives serving in various other dominions, all making their services reciprocally available. The Department of Overseas Trade, created in 1917 and jointly responsible to the Foreign Office and the Board of Trade, coordinates all the trade promoting activities of the British government. A new Commercial Diplomatic Service, whose highest grade officers are known as commercial counselors, was created to replace the commercial attaché system of trade investigations in foreign countries. In fact, although the preparation of commercial treaties and other agreements with foreign governments is left with the Board of Trade, this function is assigned to a special department, the Commercial Relations and Treaties Department organized in 1919.

In Germany, similar governmental organizations had been created in the several states before the beginning of the centralization movement which found its culmination in the German Empire. When in 1810 the Prussian state was reorganized and ministries established, the interests of commerce were entrusted to the Ministry of the Interior. In 1848 a separate Ministry for Commerce, Industry and Public Works was formed. In addition to this administrative department an advisory body, the Volkswirtschaftsrat, was created in 1880 with seventy-five members chosen by the king, the chamber of commerce and agricultural associations. In the imperial government a Department of Commercial Policy was established in the Ministry for Foreign Affairs (Auswärtiges Amt) and a Commercial Division was organized in the Department of the Interior. The distribution of trade information takes place through a central office for foreign economic information (Zentralstelle für den wirtschaftlichen Auslands Nachrichten Dienst). This office is maintained jointly by the Department of Foreign Affairs (Auswärtiges Amt) and the Ministry of Commerce (Reichswirtschaftsministerium). The field work is in the hands of the consuls under the supervision of the Aussenhandelsstelle established in the Ministry for Foreign Affairs. In some cases vice consuls or secretaries of legations are designated to undertake commercial investigation and reporting work. Before the war a commercial attaché service existed but this has now been discontinued.

In the United States the act of February 14, 1903, created a Department of Commerce and Labor, to promote the mining, manufacturing, shipping and fishing industries and the transportation facilities of the United States. Functions developed first in other departments such as the Bureau of Statistics, the Census Office, the Bureau of Labor and the Bureau of Foreign Commerce were brought together to form the new department. By the act of March 13, 1913, the Department of Commerce and Labor was divided into two departments and the newly created Bureau of Foreign and Domestic Commerce became a part of the new Department of Commerce. Although the new department is to some extent an administrative agency its more important functions are concerned with promotion of the nation's industry and trade. It is now comprised of the Aeronautics Branch, Bureau of the Census, Bureau of Foreign and Domestic Commerce, Bureau of Standards, Bureau of Mines, Bureau of Fisheries, Bureau of Lighthouses, Coast and Geodetic Survey, Bureau of Navigation, Steamboat Inspection Service, United States Patent Office and the Radio Division.

The department has been active in promotion of foreign trade. Commercial information supplied by consuls, formerly published by bureaus within the Department of State, has since 1912 been placed under the care of the Bureau of Foreign and Domestic Commerce and since 1915 has been published as the weekly *Commerce Reports*. The Department of Commerce has also inaugurated its own trade information service. Four "special agents" were appointed in 1905 by the secretary of commerce and labor and placed under the direction of the Bureau of Manufactures; one was assigned to Cuba, Mexico and Canada, one to South America and two to China and Japan. In 1914 this service was greatly expanded. Provision was made for commercial attachés, appointed by the secretary of commerce but accredited through the Department of State, who report upon conditions in trade and industry abroad which may be of interest to the business men of the United States. They are assisted by trade commissioners and assistant trade commissioners. These officers perform valuable service in assisting in the settlement of trade disputes and in advising American firms in regard to the methods of overcoming the difficulties of foreign customs and trade regulations. When on leave of absence from their foreign posts trade commissioners and commercial attachés visit district offices established in various American cities, where conferences with local exporters are arranged for them. In order to expedite still further the transmission of trade information to exporters the bureau maintains a list of American firms interested in foreign markets. The firms whose names appear on this exporters' index receive confidential information regarding trade opportunities and receive the benefit of other services "that cannot very well be arranged for in any other way."

Through this expansion of the Bureau of Foreign and Domestic Commerce a new foreign service has been built up which in a sense parallels the consular service. A method has been devised, however, by which the Department of State provides contact between the consuls in the foreign field and the Department of Commerce. Furthermore it is argued that consuls, burdened with routine of their offices and tied to one place, are in no position to serve efficiently as sources of trade information.

The Department of State has several times attempted to create a service less confined to administrative duties. After the disbanding of the Bureau of Trade Relations the office of Foreign Trade Adviser was created. During and immediately after the war the department was in urgent need of expert economic and trade advice in order to be guided in its dealings with foreign problems and in the drawing up of commercial treaties. In 1920 a personnel of almost seventy employees had been built up for this service. The possibility of using this organization for the collection and distribution of information useful to the business interests now became apparent, and consequently the consuls were encouraged to extend their activities along the lines of commercial investigations. By executive order on November 18, 1920, the consular regulations were amended to provide for the designation of a number of consuls as "economic consuls" to serve as assistants to general consuls in economic investigational work. The duties of these newly created officials were almost identical with those of the commercial attachés. This expansion was short lived, for in 1921 the activities of the Office of the Foreign Trade Adviser in the promotion of commerce ended.

The Department of State continues to devote increasing attention to the collecting of trade information, on the principle that diplomatic relations can no longer be considered apart from economic relations.

Attempts to promote trade have not been limited to the confines of single countries. The League of Nations has done some valuable work in promoting "equitable treatment of commerce" among League members. It has appointed committees to examine various practises which clearly violate the principle of equitable treatment. Studies have been made of unfair competition, treatment of foreign nationals and enterprises, customs formalities, import and export prohibitions and restrictions, commercial arbitration and legislation on bills and checks. Recommendations have been put forward for uniformity in statistical methodology with respect to international trade, agricultural production, fisheries, censuses of production and current industrial production. A permanent subcommittee has been formed to consider economic crises and unemployment. The Organization for Communications and Transit holds general conferences at regular intervals to secure and maintain freedom of communications and transit. Between conferences the work is carried on by an Advisory and Technical Committee for Communication and Transit, which is a governmental organization with membership made up of states permanently represented on the council and states selected for the purpose. Its chief work is directed toward mitigating administrative formalities and technical difficulties obstructing easy and rapid transit between nations.

The United States is a party to a number of international agreements formed prior to the appearance of the League of Nations for the promotion of international trading interests. The Inter-American High Commission, organized in 1915 under the auspices of the First Pan-American Financial Conference, aims among other things at uniformity of commercial law and stability of financial relations between the Latin American republics and the United States. The International Hydrographic Bureau, formed in London in July, 1919, on the recommendation of delegates from twenty-two nations, seeks to promote hydrographic research and thus to facilitate navigation. The International Bureau for the Publication of Customs Tariffs was created in Brussels July 5, 1890, and the International Statistical Institute in London June 24, 1885.

The termination of the World War witnessed renewed activity on the part of governments to assist business to survive the difficulties of readjustment. One of the post-war developments was the application of various methods of assisting exporters in financing their exports. Great Britain inaugurated a credit insurance plan in 1920 and established an Export Credits Office in the Board of Trade for its administration.

The German export credit insurance plan was inaugurated in 1926. The plan, worked out under the Reichswirtschaftsministerium, placed the actual insurance in the care of two designated insurance companies which carry two thirds of the risk. The government agreed to indemnify the companies for one half the amount they would lose on "normal" risks. A similar export credit insurance plan was established in Holland in 1923, in which a risk of 40 percent of the invoice value was assumed by the government.

The bonus or bounty offered to exporters is another method which has been increasingly used in recent years to encourage exports in selected products. Australia has paid a bounty on butter since 1928, Latvia on flax, Spain on rice and certain cotton fabrics. Such measures may lead to international economic friction and are therefore resorted to in comparatively few instances.

In the United States the Federal Trade Commission was charged with the administration of the Webb-Pomerene Act of 1918; this act allows American firms which are not permitted to combine in the home market to pool their efforts when dealing with foreign markets.

From the days of Colbert great powers have been solicitous of the merchant marine, partially because of a belief that it promoted trade in general but particularly because of its military significance. Modern governments promote national shipping by loans at low rates of interest, by guaranty of loans from private sources, by assumption of part of the interest charges, by subsidies or subventions to individual shipping companies, by preferential rates on the railroads to exports carried on national steamship lines, by imposition of higher tariff rates on goods imported or exported in foreign ships, by visaing without charge passports of persons traveling on national ships and by granting particularly profitable mail contracts to ships flying the national flag. Great Britain, France, Sweden, Spain, Italy, Japan, Brazil, Chile, Portugal and the United States all make use of one or more of these mechanisms.

A consequence of the extreme rivalry for markets and of the promotion of foreign trade characteristic of the mercantilism of the fifteenth to the eighteenth century, as well as of the later nineteenth and early twentieth centuries, was the development of a certain amount of regulation of domestic industry. One means of insuring a foreign market for goods was to make sure of their superior quality. This latter result supposedly could be achieved by minute regulation, the policy attempted by Colbert, or by various forms of government branding or certification of quality after inspection, a policy employed today.

As early as 1904 the government of Holland originated a governmental certification service for butter exported from that country. The rapid decline of the butter trade with England on account of the failure of the Dutch exporter to maintain quality had led to this attempt at standardizing the quality of the exported product.

In recent years many similar inspection and certification services have been organized in other countries. Inspection of tobacco intended for export takes place in many countries. Mauritius maintains special governmental warehouses where the product is graded and prepared for export. No exports can take place except on government certificate. The Philippine Bureau of Agriculture not only grades and inspects the tobacco but in order to promote the growing of better grades has power to control the planting as well as the methods of cultivating and curing. Of special importance is the inspection, conditioning and certification of silk intended for export by the government of Japan and by the city of Kobe. This service has contributed measurably to increase the prestige of Japanese silk on the world's markets.

Exports of meat from Argentina can take place only if accompanied by an official certificate and if packed to conform with governmental standards. Herring exported from Holland, bananas and tomatoes from the Canary Islands, fresh fruit from Canada, eggs in pulp or in shell from Australia, butter from New Zealand and Ireland, meat products from Esthonia, oranges and castile soap from Spain, are subject to similar inspection.

In some cases goods which have successfully passed inspection are given the exclusive privilege of carrying the national trademark. Thus the Italian government inaugurated in 1928 a national trade mark the use of which is granted to approved firms and inspected products. The Persian government maintains a Belgian expert to examine Persian rugs for the detection of the use of any aniline dyes. The British government guarantees the quality of barrels of herrings cured in Scotland by marking them with the crown brand. Such certification of quality of merchandise which is the chief product of, or is obtainable in, only one country is important in maintaining confidence in values.

Although government service for business started chiefly in connection with foreign trade, governments have of late years given much attention to the promotion of domestic industry. Governmental bureaus and departments similar to those engaged in promoting foreign trade are designed to encourage home industry. Tariffs of most great powers have been substantially raised since the 1870's. Industries important for national self-sufficiency, or frequently simply those powerful enough to exert sufficient pressure upon governments, have been specially favored. With the increased variety of industrial products and the increased complexity of business organization there has also arisen a demand for government standardization and experimentation. Direct government assistance has been granted to those types of industry which could not exist within the nation except for such aid.

The Bureau of Foreign and Domestic Commerce in the early years of its existence was unable to engage upon any important program of domestic trade promotion because of the absence of funds. The act creating the bureau had charged it with the making of comparative studies of the cost of production of certain articles abroad and in the United States, but it was not until the fall of 1913 that funds became available for this purpose. During the next four years about a dozen reports were published on different American industries; in 1917 this important work was transferred to the newly created Tariff Commission. The division of cost accounting, organized in 1917 and intended to serve the business world through the collecting of uniform cost data which could serve as a guide in production, was closed in 1918 when this work was transferred to the Federal Trade Commission. Isolated studies of domestic industries and trade associations were made from time to time but the domestic side of the bureau's work was not of very much importance until the organization of the Division of Domestic Commerce in 1923. This year was the beginning of the bureau's domestic activities on a large scale.

One of the most important and constructive pieces of work of this new division was the organization of regional surveys, the first of which to be completed was the *Commercial Survey of the Southeast*, published in 1927. Similar surveys have been made of other sections of the country. Each survey deals with merchandising methods, commodity preferences, buying habits, store and plant location and the machinery of distribution of the area studied.

The most recent development is the making of cost of distribution studies. These studies are carried on with the cooperation of individual firms and various trade associations. Little is known at present of the various factors influencing the cost of distribution of commodities and important results may be expected from these systematic cost studies. The division is further active in cooperating with trade associations in the making of commodity marketing surveys especially where the trade is not sufficiently well organized to carry on such investigations on its own initiative.

A special section to serve the interests of the small business man has recently been organized. There is a special inquiry section to serve as a clearing house for business information and to acquaint the business world with the many government bureaus from which they may obtain information.

Besides the Department of Commerce many other government bureaus are engaged in studies of domestic production and distribution methods. The Tariff Commission, organized to provide the government with the necessary data to furnish a sound basis for a tariff policy, carries on studies at home and abroad in order to arrive at comparative costs of production. Its publications dealing with foreign tariffs, commercial treaties and certain domestic and foreign industries form valuable contributions to the field of commercial knowledge. The Federal Trade Commission is another agency which, although organized to control rather than to promote commerce, has produced studies of very great use to business. The published reports dealing with the grain trade, the copper market and a large number of industries contain valuable material for the business man. Of particular interest are the studies dealing with trade associations and with the standardization of trade practises and trade terms. The commission by investigation and recommendation in cases of charges of illegal conduct has performed valuable service in the settling of trade disputes and in eliminating unfair practises.

The Bureau of Standards, organized in the Department of Commerce in 1901 and originally intended to operate largely as a custodian of standards of weights and measures, has expanded its activities until today hardly an industry remains unaffected by its manifold contributions. Its scientific research and testing of materials have resulted in important improvements in engineering and manufacturing technique. From the point of view of the merchant the bureau's activities along the lines of simplified practise and the standardization of products are of the greatest significance. The acceptance of such simplified practise and standardized production by many of the trades has resulted in substantial savings in inventories and production costs and has made for a reduction of charges for obsolescence of machines. Standardization also has contributed greatly in eliminating causes for trade disputes.

Among the industries which could scarcely exist without government aid are fisheries and air transport. In the United States the Bureau of Fisheries engages extensively in the planting of fish in waters suited to their propagation and regulates the fishing seasons to prevent their extermination. It also sends government experts to fishing centers, where they advise and check upon fishing activities.

Aeronautics has been assisted by direct subsidy to commercial air transport, by government research, by development of standard air practises and by circulation of information. Air transport, while it has had a tremendous recent growth, cannot yet be counted upon to operate commercially without artificial financial assistance. In Europe direct subsidies and air mail payments are made to the national monopolistic transport companies. In the United States air mail contracts, provision of lighted airways and information service by the Aeronautics Branch of the Department of Commerce serve to promote commercial transport. Earlier in American history the railroad land grants served the same purpose.

Other industries have the research and advisory services of special bureaus of the government. In addition to the Bureau of Standards, the Bureau of Fisheries and the Aeronautics Branch the Department of Commerce maintains the Bureau of Mines to assist the mining industry to eliminate waste and safeguard lives, the Radio Division to promote and regulate the radio industry and the Chemical Division of the Bureau of Standards, which makes available the results of its researches to those industries which might benefit thereby; while the Department of Agriculture maintains the Bureau of Plant Industry, Bureau of Animal Industry and Bureau of Dairy Industry.

Government solicitude for business is particularly marked when the economic fortunes of the nation are determined by the welfare of a single industry. The world's chief sources of coffee, sugar and rubber are Brazil, Cuba and the British East Indies respectively. In the decade following the World War the British and Cuban governments engaged in heroic attempts to stabilize the prices of rubber and sugar by the control of supplies going upon the world market. But the ultimate effect of these means an increase in production in other economic areas and both of these valorization schemes have been abandoned. Beginning in 1906 the governments of the Brazilian nation and of the state of São Paulo, at first intermittently but more recently continuously, have participated in the marketing of coffee. Here again price regulation has been attempted through artificial control of supplies moving into the market and although it has not yet been proved a failure it is seriously embarrassed by the failure to restrict the amount of coffee produced.

From 1879 until the retrocession of Alsace Lorraine to France in 1919 the German potash syndicate was sponsored by the Prussian and the German governments, which restricted output and allocated quotas to the various mines; in 1924 an agreement was reached between France and Germany whereby the two countries in combination exercised a similar control of the output of potash. Government officials have participated in the management of the syndicate, prices have been restricted, production has been forcibly curtailed and foreign prices have been forced far above the domestic. All these measures have been undertaken primarily for the enhancement of the profits of the owners and secondarily in the interests of cheap fertilizer for agriculture.

Since 1891 Canada has progressively developed a policy of restriction of export of pulpwood and even of pulp. The primary motive has not been conservation but the promotion of domestic industry. By the restriction of pulpwood exports the pulp mills of Canada are benefited, while the restriction of pulp exports stimulates the developing paper industry of the country. These restrictions appear to have been of genuine benefit to Canadian industry.

As a result of legislation passed by Great Britain in 1903, 1904 and 1916 a prohibitive tax has been placed upon export of tin from the Federated Malay States and Nigeria unless it is destined for smelting in the Straits Settlements, United Kingdom or Australia. From 1902 to 1913 the United States levied a similar tax upon manila exports from the Philippine Islands except those consigned direct to the United States. The British tax has effectively restricted foreign competition in smelting, but the manila tax, repealed in 1913, had little effect other than to eliminate indirect shipments to the United States via Great Britain.

Still other forms of financial assistance to domestic industry, direct and indirect, have appeared since the war. The British Trade Facilities Act of 1921 established a fund intended to facilitate the financing of power plants, harbors, dock works and railway equipment in England and abroad by means of long term loans. The loans were restricted to enterprises which give employment directly or indirectly to British labor. The miners of wolfram and tin in Burma are able to secure loans from the local banks more readily because the government guarantees the credit. Spain and Portugal give financial support to the coal industry and Poland, Belgium, France, Canada and South Africa assist this industry by means of preferential rates on their railroads. South Africa subsidizes its infant steel industry while Japan, under the Steel Manufacturing Industry Encouragement Bill, provides for tax exemption for a period of fifteen years for plants equipped to produce a minimum of 35,000 tons of steel per annum. The Japanese dye industry is similarly assisted, while under the law of 1925 subsidies are also provided for.

Canada has followed this example by granting a subsidy for fifteen years to encourage the establishing of coking plants. More thoroughgoing is the attempt on the part of the Turkish government to bring about industrialization of the country. Selected industries may procure exemption from customs and excise duties on goods imported to be improved in Turkish industrial establishments. Subsidies may be granted to such industries and the national and local governments may be required to purchase the products even at a price 10 percent above the price of imported goods. Tax exemption is frequently found and is a part of the method used by the Brazilian state, Amazonas, to foster new industries.

Compulsory patronage of home industry by central and local governments is another favored method of industrial promotion. Hungary by the ruling of May, 1926, Japan under the decree of March, 1927, and Portugal under a decree of the same year all use this method, while the government of India purchases only railway wagons manufactured within the colony.

One of the most consistently worked out plans for governmental assistance to industry is probably contained in the Spanish royal decree of April 30, 1924; the conditions are indicated under which an industry may become "nationalized" and thus obtain tax exemption, export subsidies, a guaranteed income and, if needed, a state loan as circumstances require.

International as well as national measures have been taken to promote domestic trade. In addition to the work of the League of Nations on standardization there are various international agreements. The North Pacific Halibut Act of June 7, 1924, gave effect to a convention signed March 2, 1923, between the United States and Great Britain for the preservation of the halibut industry. An International Fisheries Commission, composed of representatives of the two governments, is to determine the necessary scientific investigations and practical policies. In 1875 the United States became a member of the International Bureau of Weights and Measures, which maintains standards of measurements and keeps instruments in Paris of which those of the United States Bureau of Standards are copies. The Union for the Protection of Industrial Properties, concluded in Paris in 1883, was proclaimed in 1887, with a revised convention proclaimed in the United States in 1913. It is constituted to protect citizens and subjects of member countries with respect to patents, trademarks and commercial names. The International Trade-mark Registration Bureau, created by convention at the Fourth Pan-American Conference of American States in Buenos Aires in 1910, provides for trademark registration bureaus for pan-American countries.

Government service has also been effective in problems of management and adjustment of labor. The United States Division of Conciliation, although it has not exerted a wide influence, renders a distinct service in so far as its friendly advances may prevent stoppages and the attendant loss to both employers and labor. Public employment exchanges, now universal in England and most of Europe and maintained in the United States by some states and municipalities, are valuable in expediting the hiring of labor and improving the choice of labor. In 1928 a draft convention favoring a uniform system of free public employment agencies was drawn up and has been signed by twenty-three countries but not by the United States.

Technical education has been carried to a very high point by the German government and has resulted in important contributions to industry by trained chemists and engineers. Other continental countries are following the German lead. In America vocational education is receiving increasing attention in state and local systems, and the United States government maintains a Bureau of Vocational Education.

Among the government activities which particularly facilitate domestic trade as a whole are the building or improving of canals, harbors, highways and turnpikes. Germany is outstanding in its highly organized governmental provision for interior transportation and harbor facilities and promotion of transportation by rail. Municipal, state and national governments have worked in close cooperation to provide excellent and cheap transportation, the expenses of upkeep being paid out of general taxation. The railways have favored certain German seaports to enable them to compete with the ports of Holland. In the United States and England there are many municipally owned docks and terminal facilities provided for public use.

Many cities maintain municipal markets where at little expense and under favorable conditions vendors of produce may meet prospective buyers. The adoption of city planning and the enactment of zoning laws in cities benefit local industry in general by concentrating the commercial areas and thus facilitating transactions and transportation. Where public needs call for coordination of government regulations over a wider area than a municipality there has arisen a new type of government authority, one based on an economic area, as for instance the Port of New York Authority and the Sanitary District of Chicago.

A movement which has been of distinct service to business is the attempt to bring uniformity into certain state laws relating to industrial practises. The National Conference of Commissioners on Uniform State Laws was formed in 1892 by representatives of twenty-nine states and now comprises commissioners from every state, the District of Columbia, Alaska, Hawaii, Porto Rico and the Philippine Islands. After careful study of the best practise and of all existing state legislation it has prepared model acts, including a uniform sales act, stock transfer act, negotiable instruments act, warehouse receipts act, bills of lading act, conditional sales act and aeronautics act. These model acts have been passed verbatim or with very little change by many of the states and hence have helped to simplify interstate commerce. The Conference of Commissioners on Uniformity of Legislation in Canada, organized in 1918, is composed of commissioners from each of the nine provinces, appointed under authority of provincial statutes. It has drawn up and secured adoption by several provinces of such bills as a uniform bulk sales act, warehousemen's lien act, conditional sales act and bills of sale act.

It still remains true that the greater part of the government services for business are concerned with foreign trade. The prime objective is the promotion of exports largely through the provision of elaborate information concerning opportunities for nationals to sell abroad. Little or no complementary attention is given to the provision of information concerning opportunities for nationals to buy abroad advantageously. Implicitly underlying this concern for exports is the same philosophy which defends the protective tariff. With one hand the government erects tariff barriers to impede importation while with the other it appropriates vast sums to facilitate exportation. Both hands are engaged in the promotion of a favorable balance of trade.

Next in importance to those services which promote a favorable balance of trade are those designed to insure military strength. The active promotion of commercial aviation, the solicitude of great powers for the national merchant marine, the attention lavished upon the explosives industry and during the last quarter century the dye industry are examples of government service to business with an ulterior military motive. Many great public works which are a boon to business are likewise of great military importance. As an example the construction of the Panama Canal was an inevitable response to this joint demand.

A few of the government services for business are, however, of a type which unquestionably increases the national dividend. They are generally services which cannot be effectively performed by private persons. Many do not represent a trend away from laissez faire but are adjustments which permit its perpetuation in the essential particulars. Employment exchanges permit mobility of labor; statistical services aid the realization of the long hypothesized universal knowledge of the perfect market; roads, harbors, canals, money and banks contribute to that fluidity which prevents price disparity.

Nevertheless, with some possible exceptions, the prevailing concept of the function of government is essentially a return to the philosophy of mercantilism. If the business man cannot compete successfully alone in world markets it is held that the government should intervene. Such is the accepted doctrine. There exists a widespread faith in the ability of the government to remedy any ills of business which it chooses to attack.

J. ANTON DE HAAS

See: COMMERCE; BUSINESS; ECONOMIC POLICY; COLONIAL COMMERCIAL POLICY; MERCANTILISM; LAISSEZ FAIRE; IMPERIALISM; CONSULAR SERVICE; DIPLOMATIC PROTECTION; INTERNATIONAL TRADE; MARKETING; PROTECTION; BOUNTIES; SUBSIDIES; VALORIZATION; SHIPPING; INSPECTION; GOVERNMENT REPORTING; GOVERNMENT REGULATION OF INDUSTRY; AGRICULTURE, GOVERNMENT SERVICES FOR; LABOR, GOVERNMENT SERVICES FOR.

Consult: Lay, T. H., *The Foreign Service of the United States* (New York 1925) ch. vi; Schmeckebier, L. F., *The Bureau of Foreign and Domestic Commerce*, Institute for Government Research, Service Monographs of the United States Government, no. 29 (Baltimore 1924); Haas, J. Anton de, *Foreign Trade Organization* (New York 1923); Smith, H. L., *The Board of Trade* (London 1928); Serré, Aimé, *L'office national du commerce extérieur* (Paris 1927); Jenks, J. W., *Business and the Government* (New York 1918); Farrer, T. H., *The State in its Relation to Trade* (London 1902); Wallace, B. B., and Edminster, L. R., *International Control of Raw Materials* (Washington 1930); United States, Department of Commerce, *The United States Department of Commerce* (Washington 1926).

BUSINESS TAXES, in the widest sense of the term, may be distinguished from other levies such as general property taxes and general income taxes by the fact that they are collected from the business man as such, and depend directly upon the flow of business. The general category includes customs duties, stamp taxes on commercial bills, checks, transportation documents, taxes on stock and produce exchange transactions, general sales taxes, special commodity taxes collected upon production, sale or transportation, corporation taxes and perhaps even those sections of the general income taxes which apply to business profits. In this article, however, the term will be considered in its narrow sense, as referring primarily to such taxes as the French *patente* and German *Gewerbesteuer*. In this sense a business tax is one levied upon practically all business firms, and likewise without regard to the personal status of the natural persons connected with the business. Even from this point of view the general sales or turnover tax is one form of business taxation, and much of what is said here applies to it as well as to such a tax as the *patente*.

The business tax is to be found chiefly in continental Europe. It does not exist in England. In the United States the federal tax on corporate net income is a step toward the business tax, and some of the states, those of the South especially, show in their systems of license, occupation or privilege taxes an approach to a general business tax. State corporation taxes exhibit many of the characteristics of a general business tax, especially when accompanied by a tax levied on unincorporated concerns, as in Connecticut—even though the bases of the two taxes differ. In France the *patente*, once a mainstay of national revenue, has since 1917 been restricted to the use of the *départements* and communes. The national government employs, among other types of income tax, a levy on business profits whether received by corporate or by non-corporate enterprises. In Germany the federal government has no general business tax, but the *Gewerbesteuer* of the states and localities is in many instances patterned closely after the *patente*, and in any case may be considered a business tax in the sense employed here. The *patente* has likewise served as a pattern for the general business taxes of Spain, Portugal, Soviet Russia, Poland and Japan.

Various methods may be used for calculating the tax due. Indeed, one of the striking characteristics of the business tax is that the measures employed for different firms may differ, and a given firm may be taxed upon several different bases. The measures used include type of business, population of the locality in which the business is carried on, rental value of business premises (and even of the dwellings of the business owners), amount of floor space in business premises, gross sales, total amount and unit sizes of machinery and equipment employed, number of workers, size of payroll and amount of capital employed. This variety indicates both an unwillingness to probe deeply into the possible economic effects of the tax and a desire to levy as much as possible by easily ascertainable "external signs." The same may be said, however, of many of the simpler occupation taxes of the southern United States, which are often flat taxes on the individual engaged in the business, varying not at all with the size of the enterprise.

The modern tendency in Europe, nevertheless, is toward a closer attention to net income as the measure of taxable capacity. In the French schedular tax on business profits levied for the national government an effort is made to smooth out some of the grosser inequalities in the burdens laid upon various business owners. But even the most refined use of the net income measure falls short of the test of relative ability as among individual owners, because of the failure to consider other elements which make up the owner's economic status, including family burdens, income and losses from other sources, etc.

General business taxes have been defended on various grounds, one of the soundest of these being ease of collection. Business income is concentrated in relatively few hands and is not so readily concealed as many items in personal income. Moreover some part of business income, when distributed among its ultimate beneficiaries, finds its way beyond the jurisdiction of the taxing body. Especially in states or subdivisions of states which draw much of their business capital from without, the argument for business taxes appears compelling. It is urged that businesses enjoying the protection of a state should pay for it through taxation. This argument involves obviously the benefit theory of taxation, which here as elsewhere suffers from the difficulties encountered in attempts to trace and allocate benefits. Consumers as well as producers benefit from business; whether the burden will be shared fairly by both classes depends upon questions of incidence to which the defenders of the tax have given little consideration.

Some attempts have been made to defend the general business tax on grounds of ability to pay. But the faculty theory is essentially applicable only to individuals. If two firms have the same gross receipts, the same amount and structure of capital investment and the same net income, there is yet unequal "ability to pay" if one is solely owned by a natural person who has a large income from other sources and no family burdens, while the other is owned by many comparatively poor people. All that the faculty principle can mean as applied to the business firm as such is that it can pay the tax without being forced out of business or without being hindered too much in efforts to raise new capital. In any event the tax departs from the conventional canon that each citizen should contribute to the state according to his economic position as a whole. Such a departure may be best understood in the light of the breakdown of existing taxes, such as the general property tax, and of the general uncertainty as to the precise economic effects of many taxes.

It may be argued that the levy of a general business tax is indicative of a vague, usually unexpressed intent on the part of the state to levy a permanent, capitalized rent-charge on the net profits of business firms in lieu of taxation proper. In many states of the United States, in fact if not in law, the real property section of the general property tax has become a tax *in rem* on land and improvements, the personal situation of the owner being entirely disregarded. This tax, at least so much of it as is levied on the land, may be capitalized. One who purchases after the tax is levied takes the future annual charges of the tax into consideration when setting his offering price and is little or no worse off than he would have been had no such tax been levied. Might not a similar situation develop through taxation of going business concerns? It might, if there existed somewhere a relatively tax-free field for investments and if the tax could not be shifted to the consumer. The latter point involves the allowance of imputed interest on ownership capital as a deductible expense. The present federal income tax on corporations can probably be considered to some extent as a capitalized rent-charge.

Not all business taxes are so framed as to be readily capitalized. Much depends upon the degree to which the personal status of the owner is allowed to influence the amount of the tax levied. If, in the calculation of taxes due, allowance is made for the family status of the business owner, as is done in the national tax on business profits in France, accurate capitalization is impossible. The purchaser of a business is not certain as to what his future tax charges may be and the seller of a business knows that its selling value must depend to some extent upon the family status of the future purchaser. To a lesser degree the same difficulty exists in connection with the *patente*, to the extent that the amount of the tax paid is influenced by the rental value of the dwelling of the owner.

The future of business taxes in the United States appears to depend first upon relative ease of collection in comparison with other tax forms, especially the general property tax, and second, upon a willingness to introduce into the tax system an important levy which does not attempt either to trace closely the benefits to individual natural persons or to measure accurately their ability to pay. Present conditions point to an extended use of business taxes, largely because of ease of administration. Corporate businesses are already taxed, and expediency suggests the imposition of a tax on unincorporated businesses, by the states, in lieu of the highly unsatisfactory personal property tax. Those countries in which a business tax is already firmly established face the necessity of deciding whether an attempt should be made to burden the business firms as such rather than the consumers, and of revamping arbitrary and obsolete methods of calculating the tax base.

CARL SHOUP

See: TAXATION; PROPERTY TAX; SALES TAX; CORPORATION TAX; INCOME TAX; CAPITALIZATION AND AMORTIZATION OF TAXES.

Consult: A detailed survey of the business tax of the type of the *patente* and the *Gewerbesteuer* may be found in the *Handbuch der Finanzwissenschaft*, ed. by W. Gerloff and F. Meisel, vols. i–iii (Tübingen 1926–29) vol. ii, p. 32–53. See also Adams, T. S., "The Taxation of Business" in National Tax Association, *Proceedings of the Eleventh Annual Conference* (New Haven 1918) p. 185–94; Carroll, M. B., *Taxation of Business in Switzerland*, United States, Bureau of Foreign and Domestic Commerce, Trade Promotion series no. 47 (Washington 1927), and *Taxation of Business in Great Britain*, Trade Promotion series, no. 60 (Washington 1928).

BUSTĀNI, BUṬRUS AL-. *See* BUṬRUS AL-BUSTĀNI.

BUTLER, JOSEPHINE (1828–1906), English social reformer. With her husband she advocated educational opportunities for women and was the first president (1867–73) of the North of England Council for Promoting Higher Education for Women. Her first pamphlet, *The Education and Employment of Women*, appeared in 1868 in London, and in the following year she edited the book *Woman's Work and Woman's Culture* (London), by a group of distinguished contributors.

At this time she began her "abolitionist" crusade in behalf of the repeal of the contagious diseases acts (passed in 1864, 1866 and 1869), under which brothels were licensed and compulsory medical examination of prostitutes required. Her famous "Protest of the Ladies" on this subject in the London *Daily News* (1869) was signed by many distinguished women. Contending that these acts worked a grave injustice to women of the most helpless class and at the same time failed as a public health measure she secured in 1870 a royal commission of investigation. There was no woman member, but Mrs. Butler was called as a witness and made a deep impression, the commission reporting in favor of a repeal of the acts. In 1871 she published *Sursum corda* (Liverpool) and *The Constitution Violated* (Edinburgh), which advanced most convincing arguments against the official licensing of immoral houses and the state regulation of prostitutes. During the seventies she published more than a score of related books and pamphlets. She believed that this system was also connected with the international white slave traffic and carried on a vigorous controversy regarding the traffic between England and Belgium. In 1874 she opened correspondence with the opponents of the regulation system on the continent, and the next year took the lead in founding the International Abolitionist Federation with headquarters at Geneva. In England the Select Committee of the House of Commons to Inquire into the Operation of the Contagious Diseases Acts (1879–82) delayed action, but in 1883 the House of Commons finally passed a resolution condemning the "C. D. Acts," which were suspended and repealed in 1886.

Mrs. Butler also directed a demand for the amendment of the criminal law to secure greater protection for children and young girls. The Criminal Law Amendment Act was passed in 1885 with the somewhat spectacular assistance of W. T. Stead. During the last twenty years of her life she directed her efforts to the agitation for reform of conditions on the continent and to the situation in India. *A Doomed Iniquity* (London? 1896) was her authoritative condemnation of the state regulation of vice.

She was a very persuasive and convincing advocate of an equal moral standard for men and women; she also had great qualities of leadership; and her "repeal movement" remains a remarkable and successful example of public agitation in the field of social reform.

EDITH ABBOTT

Consult: Butler, Josephine E., *Personal Reminiscences of a Great Crusade* (new ed. London 1898); *Josephine Butler: An Autobiographical Memoir*, ed. by G. W. and L. A. Johnson (Bristol 1909); Fawcett, Millicent, and Turner, E. M., *Josephine Butler, Her Work and Principles* (London 1927); Hay-Cooper, L., *Josephine Butler and Her Work for Social Purity* (London 1922); Stead, W. T., *Josephine Butler: A Life Sketch* (London 1888).

BUTLER, SAMUEL (1835–1902), English social critic, philosopher and novelist. Butler was born in a rectory at Langar, Nottinghamshire, where he passed his early years under pious parental bullyragging which produced a life long distaste for parents, parsons and churches. This found expression in his novel, *The Way of All Flesh* (ed. by R. A. Streatfeild, London 1903), which he began in 1873 although he refrained from publishing it during his lifetime. It was one of the earliest and best of the now common enough novels of the misery of childhood and youth.

After a period at school and four years at Cambridge, during which he formed impressions of schoolmasters and dons no more flattering than those he had already acquired of fathers, mothers and rectors, he spent about five years on a sheep ranch in New Zealand and returned to England with his capital doubled. When in 1872 his *Erewhon* (a disguise for Nowhere) appeared anonymously, it was clear that he had found a way of discrediting the mores and institutions of his day by contrasting them with the by no means utopian scheme of life in Erewhon. Butler has been known as a satirist and a jester, one who in Joad's words "took the portentous lay figure of Victorian complacency by the throat and shook it until the stuffing came out." But he took his jesting very seriously and had always something of high import to make fun of. He refused, however, to be solemn, and so confused and irritated his contemporaries. As a commentator he was at his best in his *Notebooks* (a volume of selections has been compiled by H. F. Jones, 4th ed. New York 1926), in which he reported his day by day reactions to the seriocomic world in which he lived. Since his death Butler has come into his own. He can be easily understood and heartily relished by those who lived through the World War.

On his sheep ranch Butler had read Darwin's *Origin of Species* with admiration and then with increasing reservations and criticism. He was dissatisfied with Darwin's theory of accidental variations as the basis of natural selection and survival and accused Darwin of having wilfully neglected earlier researchers in the field of evolution. In 1877 Butler published *Life and Habit*, followed by three other books on the subject. He contended that the offspring was "identical" with the parents and unconsciously participated in their memories. Little attention was paid by the biologists of the time to his protests against the prevalent mechanistic theories, but in the twentieth century Semon (in his *Mneme*) and Bergson made clear that the mechanistic assumptions were by no means self-evident or adequate. Butler was without knowledge of the strange discoveries being made just before his death in regard to inheritance and the nature of matter, but he said plainly enough: "We should endeavour to see the so-called inorganic as living in respect of the qualities it has in common with the organic, rather than the organic as non-living in respect of the qualities it has in common with the inorganic" (Joad, p. 76). The novel doctrine of "emergence" would have cheered his heart.

JAMES HARVEY ROBINSON

Works: *The Shrewsbury Edition of the Works of Samuel Butler*, ed. by H. F. Jones and A. T. Bartholomew, 20 vols. (London 1923–26).

Consult: Jones, H. F., *Samuel Butler*, 2 vols. (London 1919); Joad, C. E. M., *Samuel Butler* (London 1924); Kingsmill, Hugh, *After Puritanism* (London 1929) p. 57–107; Stoff, Rudolf, *Die Philosophie des Organischen bei Samuel Butler* (Vienna 1929); Cavenagh, F. A., "Samuel Butler and Education" in *Monist*, vol. xxxii (1922) 307–13; Grendon, Felix, "Samuel Butler's God" in *North American Review*, vol. ccviii (1918) 277–86.

BUṬRUS AL-BUSTĀNI (1819–93), leader of the modern Syro-Arabic national renaissance. Buṭrus was born in Lebanon, Syria, and studied at the Maronite college of ʿAyn Warḳa. Converted to Protestantism by American Presbyterian missionaries he assisted them in organizing in 1846 a school at Abeih and later in making an Arabic translation of the Bible. He became interpreter at the American consulate in Beirut, settling there permanently in 1848. Buṭrus now devoted all his energies toward arousing the national consciousness of the Arabs, and through journalistic propaganda and educational activities helped more than anyone else to pave the way for the Arab national movement. In 1860 he founded the *Nafīr Sūriyya* (Syria's clarion) and in 1870 the *Al-Janān*, a political and scientific journal with the motto, "Love of fatherland is an article of faith." He founded a higher secular school in 1863 for the study of Arabic language and literature and six years later published a dictionary of the Arabic language. In 1875 he began the publication of his great Arabic encyclopaedia, by means of which he sought to popularize learning among the great masses of the Arab population. He himself completed only six volumes, although five more were published from his notes. Buṭrus condemned the use of alcoholic beverages, defended the freedom of thought, sought to elevate the position of women and defended their rights to education. As teacher, linguist, translator and as founder and head of literary, ethical and religious societies his influence extended to all regions and classes of the Orient.

K. T. KHAÏRALLAH

Consult: Khaïrallah, K. T., *La Syrie* (Paris 1912) p. 49–51.

BUTT, ISAAC (1813–79), Irish politician and economist. He studied at Trinity College, Dublin, where in 1836 he was appointed to the Whately chair of political economy. He was also a practising lawyer, being a member of the Irish and later of the English bar. Regarded at first as the rising hope of the Conservative party in Ireland Butt subsequently led the Home Rule movement and formulated the doctrine on which was based the program of the Irish Nationalist party. His plan called for a federal arrangement with England whereby an independent Irish parliament was to rule Ireland, while the English Parliament, including Irish representatives, retained its jurisdiction over national defense and foreign affairs. He was also a protagonist of the far reaching Irish land legislation of the latter part of the century. In this connection he published the *Practical Treatise on the New Law of Compensation to Tenants in Ireland* (Dublin 1871).

Butt's range as an economic thinker was limited and he did not pretend to originality. His ideas on the subject of value are borrowed from Nassau Senior and Say, while at other points he acknowledged his indebtedness to Longfield. He wrote also on a number of other subjects, among them the poor law for Ireland, sea fisheries and education.

W. H. DAWSON

Consult: MacNeill, J. G. Swift, "Isaac Butt, the Father of Home Rule" in *Fortnightly Review*, n.s., vol. xciv (1913) 448–59; Seligman, Edwin R. A., *Essays in Economics* (New York 1925) p. 118–19.

BUXTON, THOMAS FOWELL (1786–1845), English humanitarian and reformer. After his marriage in 1807 to Hannah Gurney, a sister of Mrs. Fry, the prison reformer, he lived at Spitalfields, where he took an active interest in the welfare of the working classes. In 1818 he entered the House of Commons as member for Weymouth and immediately attracted attention by his earnest advocacy of criminal law reform. His *Inquiry, whether crime and misery are produced or prevented by our present system of prison discipline* (London 1818) resulted in the formation of the Prison Discipline Society.

In 1822 he became Wilberforce's active coadjutor in the antislavery crusade and three years later succeeded him as the recognized advocate of the cause in Parliament. In the final decade of struggle to build up an English public opinion in favor of emancipation Buxton made speeches, gathered and arranged statistics, marshaled evidence and directed the parliamentary tactics of his group. Defeated in his campaign for reelection to Parliament in 1837, he divided his time between prison reform and agitation for the abolition of the African slave trade. He founded a society for abolition in 1839 and wrote *The African Slave Trade* (London 1839) and *The Remedy* (London 1840). He also urged the naval expedition to the Niger, which was undertaken with a view to suppressing slavery by the introduction of agriculture and trade, but which ended disastrously.

W. H. DAWSON

Consult: *Memoirs of Sir Thomas Fowell Buxton*, ed. by Charles Buxton (rev. ed. London 1872); Klingberg, Frank J., *The Anti-Slavery Movement in England: a Study in English Humanitarianism* (New Haven 1926).

BY-ELECTIONS. By-election is the term applied to a special election held in a single constituency in order to fill a vacancy in the legislature. Such vacancies may occur before the expiration of the term, when a member dies or resigns or is expelled by the assembly; sometimes an election may be declared void or a seat automatically vacated when a member accepts another office incompatible with membership in the assembly. At times the resignation of a member is engineered by a political party in order to make room for some person whose membership in the legislature is considered desirable. Generally the vacancy must be filled before the next general election to avoid the difficulty of leaving a constituency without the representation to which it is entitled. The methods of filling such vacancies differ. In many states of the United States the governor appoints congressmen or senators to hold their seats until the next election day. In a country like Germany with a "list" system of proportional representation, a member who drops out is succeeded by the next candidate on the same list. In this fashion representation is restored to electors who have by accident lost a member. On the whole, special local elections are found practicable only in countries with small, single member constituencies. They are held at present in Great Britain, France and certain states of the United States. Because of certain features of parliamentary government and of the party system the by-elections in Great Britain are at times of major political significance.

A vacancy in the House of Commons may occur not only in such circumstances as have been described, but it may also be created in a manner peculiar to British government. Although a member of Parliament cannot relinquish his seat during the continuance of a Parliament to which he is elected, he may evade this rule by applying for one of certain offices, e.g. the stewardship of the Chiltern Hundreds or of the Manor of Northstead, offices under the crown which automatically vacate his seat. Application for one of these offices has sometimes under exceptional circumstances been refused, but ordinarily the Treasury will give the office, the duties of which are merely nominal, to any member who applies. The office is resigned as soon as its purpose is served, or retained only until the appointment is revoked in order to make way for another applicant. Another peculiarity is that until recently under the Statute of Anne (1705) the acceptance of a ministerial appointment rendered the holder's seat vacant but did not disqualify him for reelection. This statute, however, proved inconvenient in practise, since ministers of the crown had to submit themselves for reelection at a time when they were or ought to have been fully occupied with the duties of their new offices, and it was abolished by act in 1926 with the general approval of all parties and the public.

By-elections in Great Britain have always been regarded as matters of great importance. It is held that they indicate the trend of public opinion, and a succession of results unfavorable to the government of the day is taken to herald its approaching defeat at the next general election. Conversely a success or series of successes for the government has a heartening effect upon its supporters, and there is at least one instance in which a government was led to dissolve Parliament prematurely in consequence of an unexpected success at a by-election. In 1880, because of a conservative victory in a by-election at Southwark, Lord Beaconsfield as prime minister of a Conservative cabinet dissolved the Parliament elected in 1874, although it had nearly another year of its term unexpired, only to find that "one swallow does not make a summer." His large majority in the House of Commons was entirely swept away in the general election which followed, and his place as prime minister was taken by his rival, Gladstone, leader of the triumphant Liberal party.

In some cases the polls for municipal councils and state legislatures may be taken as indicative of the trend of electoral opinion on national issues and thus have the same significance as by-elections. For example, in Germany, where an efficient party machinery functions throughout the year, the results of an election to a state diet reflect very clearly the relative strength of various parties in the particular territory. Generally, however, local elections are held on issues different from those important in a national election and the voters are not apt to follow the national party alignments. On the whole the same is true of congressional elections in the mid-presidential years in the United States. Time and again during an uninterrupted succession of Republican administrations the Democratic representation in Congress has increased in these elections. Only under exceptional circumstances may they be taken as significant of impending change in office or policy. A vivid recent example is furnished by the congressional elections preceding the retirement of Woodrow Wilson in connection with the League of Nations issue. The fate of the Democratic candidates was generally interpreted as a repudiation of the policies of President Wilson. It must be noted, however, that on this occasion the president had taken the rather unusual step of issuing a personal appeal for the candidates.

F. W. Galton

See: Elections; Constituency; Legislative Assemblies; Cabinet Government; Congressional Government; Proportional Representation.

Consult: Anson, W. R., *Law and Custom of the Constitution*, 3 vols. (5th ed. Oxford 1907) vol. i, p. 86–88, 98–99, 143–44; Rogers, F. N., *Rogers on Elections*, 3 vols. (19th ed. London 1919) vol. ii, ch. ii; Seager, J. Renwick, *Parliamentary Elections* (London 1918); Touche, Gordon C., *The Law of Parliamentary Elections* (London 1925).

BY-LAW. The term by-law, by derivation the law of the borough, but early applied to the local legislation of manor, vill or guild for the regulation of the trade and agriculture or of the health, safety and morals of the community, has gradually been extended and now includes, first, public laws enacted by governing bodies of municipal corporations; second, executive regulations of local application (*cf.* By-Laws under the Salmon Fisheries Act of Great Britain); and third, the rules of private corporations or associations enacted by the members for their governance in the transaction of business and for the definition of their relations to the association and to each other. In the United States the tendency has been to restrict the term to this last category and to use the terms ordinance for the legislation of municipal corporations, and rules and regulations for that of executive bodies.

The inexact logic of analogy by which the meaning of by-law was extended in Anglo-American jurisprudence has made it a term which cuts across the more precise categories of continental law, where it finds no counterpart. In the Anglo-American system different legal rules have necessarily been applied to the various forms of by-laws. The underlying concept of by-laws as rules or laws effective only for a locality or for a group explains the different uses of the term. In the case of associations by-laws are a mechanism of self-government by contract; among legislative forms they become an important device for flexibility in local government.

Originally by-laws were formulated by the appropriate local courts in the exercise of their feudal jurisdiction, independently of charter rights, and could with difficulty be distinguished from a simpler form of local legislation, the declaration of custom by those courts. As legal theory crystallized, by-laws were "presumed" instead of being regarded as equivalent to custom, and later with the triumph of central government "presumptions" of lost charters and of municipal incorporation often furnished their sanction. Today, except for unincorporated associations, by-laws are issued under enabling statutes or charters, which define their scope and in the field of government have become a form of delegated or subordinate legislation.

Doctrines of judicial control of by-laws developed during the struggle for centralization in England and took color from it. The king's court early claimed the right of review of local legislation and formulated the pregnant rules that by-laws must be reasonable and in accordance with the law of the land. These rules were applied to corporations, private and municipal, with the additional requirement of conformity to a strictly interpreted charter, and the doctrine of delegated powers of local officials—a direct contrast to the continental theory of general powers—was formulated. In England, by statute, an executive check is usually placed upon governmental by-laws through the requirement of approval by a central official. Since the American invention of the contract theory of charters was not extended to municipal corporations, to which the doctrines of agency do apply, legislative control of municipal by-laws may be exercised in the United States by the alteration of the powers granted by charter. On the continent such control is executive and is exercised by central officials or administrative courts.

Eleanor Bontecou

See: Legislation; Delegation of Powers; Corporation; Municipal Corporation.

Consult: Holdsworth, W. S., *A History of English Law*, 9 vols. (3rd ed. London 1922–26) vol. ii, p. 378, vol. ix, p. 60–61; Pollock, F., and Maitland, F. W., *The History of English Law before the Time of Edward I*, 2 vols. (2nd ed. Cambridge, Eng. 1899) vol. i, p. 624–27, 660–62; Webb, Sidney and Beatrice, *English Local Government from the Revolution to the Municipal Corporations Act: The Manor and the Borough* (London 1908) p. 39, 533–34; Redlich, Josef, and Hirst, F. W., *Local Government in England*, 2 vols. (London 1903) vol. i, p. 325–33, vol. ii, p. 79–83; Allen, C. K., *Law in the Making* (Oxford 1927) ch. vii; Munro, W. B., *Municipal Government and Administration*, 2 vols. (New York 1923) vol. i, p. 209–14; Morawetz, Victor, *A Treatise on the Law of Private Corporations*, 2 vols. (2nd ed. Boston 1886) vol. i, sect. 491.

BY-PRODUCT. A by-product may be defined as a product or material which is produced, or the production of which is materially facilitated, as an incidental result of the production of something else. It is a minor element in a system of joint products. Meat packing affords an outstanding list of examples, including hides, leather, fertilizer, glycerine, glue bristles, etc. The chemical products of the distillation of coal afford another list of amazing extent and variety. Examples of a different sort include freight to fill cars which would otherwise move empty, special uses of electrical current at times when the central station has spare capacity and the expansion of large packing houses into the distribution of general foodstuffs as an incident to utilizing the system of refrigeration and distribution built up for the sale of meat products. By-products in the stricter sense result from utilizing the varied constituents found together in products of nature. In a wider sense they result from utilization of spare capacity in plant or organization.

The utilizing of by-products has progressed from the stage in which only the more important materials are recovered and, in most cases, sold to separate concerns for manufacture, to the present stage in which substantially every material is typically worked up into finished form in departments of one concern.

The modern types of by-product recovery afford a powerful stimulus to large scale production, since the gains are only available when even the least plentiful constituents are present in quantities sufficient to pay for processes of recovery which are often more complex than the main process and involve a larger minimum investment of capital. They must also often reimburse the heavy expenditures on organized chemical research which have made the modern developments possible.

The classic statement of the law of value in such cases is that of John Stuart Mill ("Of Some Peculiar Cases of Value," *Principles of Political Economy*, ed. by W. J. Ashley, London 1909, bk. iii, ch. xvi): "Cost of production does not determine their prices, but the sum of their prices . . . their natural values relatively to each other are those which will create a demand for each, in the ratio in which they are sent forth by the productive process." To fill out this basic principle it is necessary to take account of: the special cost of working up each product; cases in which the demand will not take the whole quota of a given product and therefore the special cost becomes the only cost affecting value; the existence of marginal producers who handle only a part of the products; and the possibility of altering the proportions of the different products, as by selecting breeds of sheep for wool or for mutton, or by "cracking" oils to increase the yield of gasoline if its value will cover the costs of the cracking process and the sacrifice of other products.

Cost accounting divides the costs of the basic material and process among the various products, even though such division may be economically illogical. Such divisions may become matters of public interest: witness the charge that American meat packers reduce their apparent profits on meat by arbitrarily low "transfer prices" on materials to the by-product departments. This problem is intensified if one element becomes a "public utility" subject to price regulation, as in the case of "giant power."

JOHN MAURICE CLARK

See: VALUE; COST; PRICE; LARGE SCALE PRODUCTION; COST ACCOUNTING; WASTE.

Consult: Koller, Theodor, *Handbuch der rationellen Verwerthung, Wiedergewinnung und Verarbeitung von Abfallstoffen jeder Art* (2nd ed. Vienna 1900), English translation (3rd ed. London 1918); Pennsylvania, Giant Power Survey Board, *Report* (1925) p. 99–116 and 394–96, containing bibliography; Slosson, Edwin E., *Creative Chemistry* (New York 1919) chs. iv–vi, x; Talbot, F. A. A., *Millions from Waste* (New York 1920); United States, Federal Trade Commission, Food Investigation, *Report on Meat Packing Industry* (Washington 1918–20) pt. i, chs. ii and v, pt. iv, pt. v, especially p. 55–56.

BYNKERSHOEK, CORNELIUS VAN (1673–1743), Dutch jurist. After ten years devoted to the study and practise of law Bynkershoek was appointed judge in 1703. In 1724 he rose to the position of presiding judge of the Supreme Court of Appeals for the provinces of Holland, Zeeland and West Friesland, serving until 1743. He was thus brought into practical contact with problems of international maritime commerce and of diplomatic rights and immunities, upon which subjects he was to write with enduring effect.

Bynkershoek is to be considered one of the founders of modern international law. In 1702 he wrote *De dominio maris dissertatio* (2nd ed. Leyden 1752; photographic reproduction with tr. by R. V. D. Magoffin in Classics of International Law series, vol. xi, Oxford 1923), in which he largely followed Grotius' doctrines of *Mare liberum* as modified by the more mature *De jure belli ac pacis*. In 1721 he published *De foro legatorum* (Leyden, French translation by Jean Barbeyrac as *Traité du juge compétent des ambassadeurs*, The Hague 1723) and in 1737 *Quaestiones juris publici* (2nd ed. Leyden 1752; book i tr. by P. S. Du Ponceau as *A Treatise on the Law of War*, Philadelphia 1810). Bynkershoek's method varies somewhat with his subject, but in general he relies more upon the custom of nations and Roman law and less upon the law of nature than did his predecessors. *Usus* and *recta ratio* are to him the chief supports of international jurisprudence. However, it is usually only when custom is lacking or its weight of authority uncertain that he is a strenuous advocate of right reason as a source. *Recta ratio* is then *juris gentium magistra* but it is a *ratio* more reliant upon Roman law than upon the law of nature. His work has a logical lucidity not present in the writings of some of the previous civilians. Although he was not a complete systematizer he revealed great strength in the treatment of specific doctrine, and many of the principles enunciated by him are to be found in international law today. It was he who supplied as a basis for the doctrine of marginal waters physical control to the point "where the power of men's weapons ends," that is, by cannon shot of the then range of three nautical miles from shore. This was the origin of the "three mile limit" rule. Bynkershoek's other noteworthy works are in the field of Dutch and Roman law.

HAMILTON VREELAND, JR.

Works: *Opera omnia*, ed. by B. P. Vicat, 2 vols. (Geneva 1761; reprinted in 1 vol., Leyden 1767).

Consult: Numan, O. W. S., *Cornelius van Bynkershoek. Zijn leren en zijhe geschriften* (Leyden 1869); Nys, Ernest, "Histoire littéraire du droit. Corneille van Bynkershoek" in *Revue de droit international et de législation comparée*, 3rd ser., vol. iii (1922) 67–81; Phillipson, Coleman, "Cornelius van Bynkershoek" in Society of Comparative Legislation, *Journal*, n.s., vol. ix (1908) 27–49; Heijnsbergen, P. van, *Geschiedenis der rechtswetenschap in Nederland* (Amsterdam 1925) p. 68–88.

BYRON, LORD, GEORGE GORDON (1788–1824), English poet. Although he left no body of political writings he always concerned himself with politics. His career has a double interest for the social scientist. First, as the youthful champion of the Luddites during his brief appearance at the House of Lords, as the friend of Burdett, Hobhouse and other gentlemanly radicals, as a Carbonaro in Italy and finally as the Promethean hero and victim of Missolonghi, Byron gave fire and color to a liberalism whose Benthams and Mills had very little of either. The memory of his life and the reality of some of his poems (notably the *Prisoner of Chillon* and the lines beginning 'They never fail who die in a great cause" from *Marino Faliero*) inspired suppressed nationalists and other underdogs throughout the century. The crop of Byrons which sprang up in other European literatures—Pushkin, Espronceda, Heine—was usually politically in revolt, sympathetic with the oppressed, contemptuous of "legitimacy." Second, Byron was the poet of social as well as of political revolt. In this second role he was less known on the continent than in his liberal and nationalist role; otherwise men like Treitschke could hardly have admired him so much. But in England the poet of the *Vision of Judgment* (1822) and of *Don Juan* (1820–24) was known as a menace to society. These satires are directed against what seemed to Byron the smugness, sentimentality, intellectual laziness and economic selfishness of the English middle class. Byron attacked Victorianism while Victoria was in her cradle; his "cant" is an anticipation of Matthew Arnold's "philistinism." These poems are of course purely satirical; there is no attempt to put anything in the place of the English middle class.

CRANE BRINTON

Consult: Raymond, Dora N., *The Political Career of Lord Byron* (New York 1924); Brinton, Crane, *The Political Ideas of the English Romanticists* (London 1926) ch. iv.

BYZANTINE LAW. *See* LAW.

CABANIS, PIERRE JEAN GEORGE (1757–1808), French physiologist and moral philosopher. After varied literary efforts Cabanis chose medicine as his profession and from 1795 until his death taught at the École de Médecine at Paris. He was one of the group of *idéologues* who met at the salon of Mme. Helvétius at Auteuil and was the intimate friend first of Mirabeau and later of Condorcet. It was he who wrote the four tracts on education found among Mirabeau's papers. Cabanis published many books and pamphlets on scientific, philosophical and political subjects, but his great contribution to social thought was his anticipation of naturalism and positivism in sociology. In a series of six memoirs, read before the Institut de France in 1796 and 1797, he was the first to maintain and to attempt to prove that moral and social facts are linked to causes and that the same methods must be employed in the "moral sciences," which he considered "no more than a branch of the natural history of man," as in the physical sciences. These memoirs, with six others relating to the same subject, were published as *Rapports du physique et du moral de l'homme* (2 vols., Paris 1802; new ed. by L. Peisse, Paris 1844). Here is to be found Cabanis' analysis of the effects of age, sex and climate on morals. Through his disciple Richerand he exercised great influence on Stendhal, Saint-Simon and especially on Auguste Comte.

RENÉ MAUNIER

Consult: Picavet, Fr., *Les idéologues* (Paris 1891) p. 176–292; Rémusat, Charles de, "Philosophie de Cabanis" in *Revue des deux mondes*, 5th ser., vol. viii (1844) 316–49; Labrousse, F., *Quelques notes sur un médecin philosophe P. J. G. Cabanis* (Paris 1903).

CABET, ÉTIENNE (1788–1856), French communist and social reformer. Cabet was educated as a lawyer, became a director of the Carbonari and devoted himself to democratic propaganda. In 1830 he was appointed *procureur général* of Corsica but was removed on account of his radical attacks on the French government. Elected deputy in 1831 he founded the *Populaire*, a newspaper of wide circulation among the working classes.

Because of his inflammatory denunciations against the government Cabet was exiled; he lived in England for five years, where he came under the influence of Robert Owen, and returned to France a convert to communism. He expounded his theories in the famous *Voyage en Icarie* (Paris 1840, 5th ed. 1848), a description of a utopia in which the government alone engages in commerce and supervises work and education. The only unit outside of the government is the family, which remains under the leadership of the head of the family.

Ardent disciples rallied about Cabet and raised subscriptions to finance a vanguard which sailed for Texas in 1848 to establish an Icarian city after Cabet's model. Cabet joined his disciples the next year, bringing with him new converts, and the Icarian city was created at Nauvoo, an old Mormon town in Illinois. A fifty-year transition period was supposed to precede the establishment of complete communism. At first the colony prospered but disagreements developed and in 1856 the founder and two hundred of his followers abandoned the settlement. After Cabet's death the colony moved to Cheltenham, Iowa, and later to Corning, continuing to follow in large measure Cabet's ideas. But economic difficulties cropped up continually and finally in 1895 New Icaria, the last community inspired by Cabet, was abandoned.

There is little that is original in Cabet's thought. He was opposed to all violence and expected his utopian communism to triumph over the existing order by force of example and conversion.

ANDRÉ LICHTENBERGER

Important works: *Histoire populaire de la révolution française*, 4 vols. (Paris 1839–40, 3rd ed. 5 vols., Paris 1851); *Colonie icarienne aux États-Unis d'Amérique* (Paris 1856); *Le vrai christianisme suivant Jésus Christ* (Paris 1846, 3rd ed. Paris 1848).

Consult: Prudhommeaux, Jules, *Icarie et son fondateur*,

Étienne Cabet (Paris 1907); Weill, G. J., *Histoire du parti républicain en France 1814–1870* (new ed. Paris 1928); Shaw, Albert, *Icaria: A Chapter in the History of Communism* (New York 1884); Carré, Paul, *Cabet: de la démocratie au communisme* (Lille 1903).

CABINET, in government, is a council composed typically of chiefs of administrative departments, functioning as advisers of the head of the state on questions of policy and administration. The British cabinet was the model more or less closely followed by others. Originally it was a committee of the Privy Council which had become so large that committees were necessary in order to get business done. Until after the revolution of 1688 the cabinet, as an institution, was inchoate. Under William III and Anne the principal officers of state designated by the crown constituted a cabinet, but cabinet government—i.e. responsibility to the legislature—was yet to develop. Under the Hanoverians this group of high officials increased and by 1761 it included twenty-one persons. This was partly due to the fact that when a post was once raised to cabinet rank there was a tendency to continue it and partly to the fact that the sovereign by making a personage or post of cabinet rank could extend his influence. Hence the real business of government came to be largely transacted by an inner cabinet, as in the "private meetings" at the home of Sir Robert Walpole, who was the first real prime minister. This inner cabinet was a group of five—the first lord of the Treasury (who at that time was also chancellor of the Exchequer), the two secretaries of state, the lord president of the Council and the lord chancellor. The membership of this group was approved by the king and by 1783 when the really important officials had been taken into it—the first lord of the Admiralty, the chancellor of the Exchequer and the Lord Privy Seal—it had completely supplanted the larger cabinet.

As the business of the state became more complex the cabinet inevitably increased. The elder Pitt had only six or seven colleagues. Peel had twelve. The Derby cabinets of 1853 and 1867 numbered thirteen and fifteen. Lord Salisbury's cabinets had from sixteen to twenty members. Asquith's pre-war cabinet had twenty members of whom seven were peers. During the war the number reached twenty-three. When Lloyd George took office in December, 1916, he made some sharp departures from accepted practises. He created a war cabinet of five persons of whom two were ministers without portfolio. The war cabinet coordinated and directed the work of the administrative departments, but it did not include such important officials as the secretaries of state for war and for foreign affairs. There had long been a distinction between the ministry, that is, the whole group of executive officials, and the cabinet, a selection of this group, collectively responsible to the legislature. In Lloyd George's administration executive decisions were taken by the small war cabinet and communicated to the members of the regular cabinet.

Meetings with neither formal agenda nor minutes had long been a distinctive characteristic of the British cabinet. Freedom in discussion and informality in decision had been considered indispensable to efficiency. The informal functioning of the cabinet was in part due to the fact that the king did not attend its meetings. This had not always been the case; royal absenteeism resulted from the inability of George I to speak English—a tenuous thread on which was hung an important constitutional convention. In France some informality has been sought in the Conseil de Cabinet, which is not attended by the president of the republic and which considers political matters that do not concern the titular executive. A Conseil des Ministres, however, is held at the Élysée and the president presides.

The war made the maintenance of the British cabinet traditions impossible. A cabinet secretariat was set up, which kept a record of decisions and was of much importance during Lloyd George's coalition government of 1918–22. The importance of the secretariat was greatly reduced when the Conservatives came into power, but it has been retained as a recording agency.

In Great Britain cabinet ministers are almost invariably selected from Parliament, but there have been a few exceptions to this rule. Thus Gladstone was without a seat for six months in 1846–47 while he was colonial secretary. In continental countries membership in the legislature is not required for membership in the cabinet. In France a number of non-parliamentarians have been ministers—principally for war and marine. Cabinet making on the continent, moreover, is somewhat simpler than in Great Britain because ministers have the right of access to both branches of the legislature. British ministers may attend and speak only in the House to which they belong and are represented in the other chamber by proxy, i.e. by under secretaries. For this reason it is important that there be certain cabinet members in the House of

Commons to answer the criticisms of the body to which they are responsible. Since Walpole was chancellor of the Exchequer in 1715, that office has always been held by a member of the House of Commons because of the special interest of the elected chamber in the control of the purse.

Walpole's government included only one other commoner, and in the younger Pitt's cabinet all members except the head were peers. With the development of the system the Commons has been more and more heavily represented. Since the Reform Bill of 1832 only seven peers have been prime ministers, the last being Lord Salisbury. In view of the fact that the House of Lords has been shorn of much of its authority and that labor is inadequately represented there, it is probable that all future prime ministers of Great Britain will sit in the House of Commons. French prime ministers give most of their posts to the Chamber of Deputies, for the confidence of that body is of more importance to the administration than that of the Senate. Under the Third Republic there have been four times as many deputies as senators in cabinet posts.

Under the cabinet system British politics has developed two powerful groups, those in the cabinet and those in the opposition, which hopes to and probably will eventually become the government. Only when a new party comes into power is there a wholly new cabinet personnel, as in MacDonald's government of 1924. When MacDonald returned to power in 1929 he made up his cabinet largely from the membership of his earlier administration. Over a period of fifty years Gladstone was a member of nine cabinets. Many of his colleagues served with him in successive cabinets. It is true that in 1880, after Gladstone's party had been long out of power, he had ten new colleagues, but in 1886 he had only four, and only five in 1892.

In France rotation in office is rapid because of frequent changes of government. The range of choice of possible cabinet members is far wider than in Great Britain, where through their positions in the party, their standing in the country or their ability as debaters and administrators certain politicians inevitably become cabinet members. In France no cabinet can be formed except by a coalition of several political groups of the chamber. Several different kinds of coalitions are possible. The same Chamber of Deputies may support one cabinet oriented to the Left and a succeeding one oriented to the Right. Persons of "cabinet timber" in France are called *ministrables*, and the number of *ministrables* who have served as ministers is large.

In both the British and the continental systems the return of a party to power means as a rule a cabinet composed in large part of experienced ministers. A politician who has once been prime minister is fairly certain to head the government again on the return of his party to power. Thus in France sixteen presidents have headed fifty-one administrations. In seventy-eight cabinets the average member has served in three. Briand has served in twenty-one cabinets; Bourgeois, Eynac and Leygues each in fourteen; Barthou, Delcassé, de Freycinet and Loucheur each in thirteen. Occasionally a number of changes of government may occur and the position of a particularly important minister will be unaffected. Thus Briand remained as foreign minister in France under several different premiers, and Stresemann's post at the Wilhelmstrasse was undisturbed by cabinet crises.

There is in European systems no tradition that a president of the council shall not figure in a later cabinet merely as a minister. Not since Lord John Russell has a British prime minister been a member of a subsequent cabinet (the case of Balfour during the war was exceptional) but there is no reason why it should not happen again. In France and other continental countries ex-premiers frequently become ministers.

In the United States the cabinet differs widely from the European type. When the heads of the principal departments of the government meet with the president they are called a cabinet, but here the resemblance to the English body ends. The members of the cabinet have no connections with the legislature. They have no collective responsibility. Each member is individually responsible to the president, but the president has no control over departmental policy except through the removal of a secretary and the appointment of another who will act in accordance with presidential wishes. The president can, if he likes, treat cabinet members as chief clerks rather than as associates. He can make cabinet meetings purely perfunctory or dispense with them altogether.

Under the constitution the president was empowered to "require the opinion in writing of the principal officer in each of the executive departments." "Heads of departments" were apparently contemplated, for the constitution allows Congress to vest in such heads the appointment of inferior officers. On this slight constitutional authority and on the custom, unbroken since its establishment by Washington in 1792, of consulting with the principal officers of the government, rests the institution of the American cabinet. The term itself did not appear in a federal statute until 1907.

Three departments, for state, war and the treasury, were established by the first Congress in 1789. Another important official, the attorney general, the legal adviser of the president, was necessary from the beginning, but not until 1870 was he made head of the Department of Justice. Almost at once Washington brought these four officials together in an advisory council. By 1793 this council had been dubbed the cabinet. Vice President Adams attended one of the early meetings, but apparently the vice president was thereafter excluded until President Harding invited Vice President Coolidge to attend meetings of his cabinet in 1921, a practise which was not long continued.

The threat of war with France in 1798 led to the creation of a separate Navy Department as distinct from the War Department. In 1829 the postmaster general was raised to the dignity of a department head. The Department of the Interior and the Department of Agriculture were created in 1849 and 1889 respectively to take over the work of previously existing bureaus and commissions. A Department of Commerce and Labor was established in 1903, and ten years later was divided into the two departments of Labor and Commerce.

The American cabinet meets in secret and no records are kept; only brief *communiqués* are issued to the press. One can learn what cabinets do only from such sources as the memoirs of John Quincy Adams, the diary of James K. Polk, the diary of Gideon C. Welles and similar records. From the Civil War to the World War practically nothing was published on cabinet business, but revelations made by certain members of President Wilson's cabinet—Franklin K. Lane, David F. Houston, A. S. Burleson and others—throw light on President Wilson's indisposition to consult his cabinet on questions of policy.

Presidents cannot permit one section of the country to be overrepresented in their cabinets, even though selection from the various sections may involve the acceptance of men of mediocre ability. Nevertheless six states have contributed more than half of the incumbents (New York, 45; Pennsylvania, 38; Massachusetts, 31; Ohio, 23; Virginia, 19; Maryland, 15) and ten of the states have never furnished a member of the cabinet. Only rarely is a secretary chosen from the opposite political party. The Post Office Department is politically the most important position and frequently goes to the chairman of the National Committee. Occasionally the State Department is entrusted to an unsuccessful candidate for the nomination. The custom is growing that the Department of the Interior should be assigned to a westerner.

In the American cabinet brevity of tenure is the rule. One in seven of the cabinet appointees since the time of Washington has sat in more than one cabinet. Less than one half of these has previously served in the House or the Senate.

The president can recruit his cabinet much as he wishes and is restrained only by a fear of popular disfavor or senatorial objections; the Senate as a rule allows the president a rather free choice in the selection of his heads of departments. Only on four occasions has the Senate actually rejected nominations. From 1868, when it refused to confirm Judge Stanbery as Johnson's attorney general, down to its two refusals to confirm Charles B. Warren as President Coolidge's attorney general in March, 1925, the Senate has interposed no veto on cabinet appointments. On three occasions the Senate has objected to secretaries who were given recess appointments. That the president is allowed such independence of choice, limited only by party pressure, exigencies and personal considerations, is at once an application of the separation of powers theory and an indication of the subordinate position of the cabinet.

LINDSAY ROGERS

See: GOVERNMENT; LEGISLATIVE ASSEMBLIES; CABINET GOVERNMENT; CONGRESSIONAL GOVERNMENT; ADMINISTRATION, PUBLIC.

Consult: Laski, H. J., *The British Cabinet: A Study of its Personnel 1801–1924* (London 1928); Mennesson, René, *L'organisation des services de la présidence du conseil en France* (Angers 1928); Guggenheimer, J. C., "The Development of the Executive Departments, 1775–1789" in Jameson, J. F., *Essays in the Constitutional History of the United States* (New York 1889); Learned, H. B., *The President's Cabinet* (New Haven 1912); Hinsdale, N. L., *History of the President's Cabinet* (Ann Arbor 1911); *The Constitutional Year Book* (London 1929); Ogg, F. A., *English Government and Politics* (New York 1929); McBain, H. L., and Rogers, Lindsay, *The New Constitutions of Europe* (New York 1922).

CABINET GOVERNMENT. Modern constitutional government presents two sharply distinguished and opposed types: the cabinet system which obtains in Great Britain, the British self-governing dominions and in western Europe generally; and the congressional system which is found throughout the Americas. As the government of the United States is the purest example of the congressional type and has served as the pattern for other governments which have adopted this form, so the government of Great Britain is the most perfect example of cabinet government and has constituted the model which has been widely copied by the British dominions and by other European countries. These two types embody fundamentally antithetical political theories. Congressional government is based upon the doctrine of the separation of executive, legislative and judicial powers and operates through an elaborate scheme of checks and balances. The distinctive characteristic of cabinet government is the union in a responsible collegiate ministry of the supreme direction over both law making and administration; in contrast to a system of checks and balances it embodies the principle of concentrated authority under strict control. The cabinet in this type is the central shaft to which all the other agencies of government are geared. The individual members of the cabinet are the heads of the several departments of the administration; collectively it shapes the program of legislation which is submitted to parliament; and from it emanate the broad and general public policies with respect to both foreign and domestic questions. In this system the head of the state occupies a position of great dignity, but practically all authority, nominally vested in him, is in effect exercised by the ministry, which assumes full responsibility for acts performed in his name. The unity and collective responsibility of the cabinet are achieved through the prime minister, who is the keystone to the cabinet arch. His associates in the ministry are appointed on his nomination, and his death or resignation immediately results in their surrendering their offices.

In cabinet government the ministry is collectively responsible immediately to the legislative body, or particularly to its more popular branch, and ultimately to the electorate. Upon a vote of lack of confidence or the definite defeat of an important ministerial measure by the parliament the ministry either resigns as a body and gives place to one drawn from the opposition party or exercises the prerogative of parliamentary dissolution whereby it brings the sitting parliament to an end and through a new election appeals to the voters upon the issue which has been raised. If the result of such an election is favorable to the ministry it remains in power; otherwise it surrenders control to a ministry formed from the opposition. Ministerial tenure depends at all times upon the maintenance of a majority in the popular branch of the legislative assembly. Within any party there are always somewhat divergent elements. In a legislative assembly the majority party always includes some whose adherence to the ministry is somewhat tenuous. These more or less independent members may on the occasion of a vote on some specific measure withdraw and assist in transforming the majority into a minority. Or such a considerable defection may occur on some major question of policy as to result in the successful passage of a vote of lack of confidence. Casual ministerial defeats on minor questions are likely to be disregarded, unless cumulatively they indicate such a definitely growing opposition as to lead the ministry to voluntary resignation.

Parliamentary control of the ministry is, however, balanced by ministerial leadership and control of parliament. The ministers are as a rule members of parliament and leaders of the party in the majority. Under the rules of procedure ministerial or government measures have precedence. Indeed the entire program of legislation is largely shaped and dominated by the ministry. Through the threat of dissolution the ministry can often preserve its control over a restive parliament. Dissolution involves an election with all the attendant expense to individual members and the possibility of their failing of reelection. Thus the threat by the ministry to dissolve is a powerful instrument in holding supporters in line and in reducing the vigor of attacks from the opposition. It is, however, a weapon which becomes less and less effective as the term for which the legislative body is elected draws toward its close, and proximate dissolution is anticipated as inevitable in any case. In France, although the constitution vests the power of dissolution in the president and senate, this power has not been invoked since 1877. Practically it does not exist. The lack of this check constitutes one of the chief causes for ministerial instability in France.

Cabinet government functions satisfactorily only where certain conditions are present. It is essentially party government and presumes the existence of two, and only two, great rival parties between which the pendulum of power swings. The party which is in a majority in the legislature is vested with the full authority of government and responsible for achieving a political, legislative and administrative program. The party in opposition performs the role of critic and seeks at all times to put the government in a minority and thus secure the reins of power. Politics thus assumes the character of a great game in which two teams compete, the one the team of the "ins," the other that of the "outs." Where, as on the continent, a group system of parties obtains, no one of which possesses an independent majority, the ministry rests upon the unstable basis of a coalition of partisan groups. The shifting realignment of such groups results in frequent and rather meaningless changes in the ministry.

Not only is a two-party system essential to the normal operation of cabinet government, but each of the two parties must include within its membership representatives from all substantial sections of the community. Parties must cut across the various class, racial, occupational, confessional and geographical divisions of society. Otherwise the divisions into parties will remain static and every transfer of power will involve a crisis which may seriously disturb the whole legislative and administrative process. It is an essential feature of cabinet government that there shall be an effective opposition which shall subject the government to criticism at all times, with respect to both administration and legislation, and which is ready to take over the reins of government whenever a shift in political sentiment in the legislative body, or ultimately in the country, permits. When parties are based upon economic interest, or upon social, confessional or sectional attachments, such shift in sentiment does not occur. Only by the slow process of social change is the relative strength of parties altered. If an agrarian party is in power it retains control until the process of industrialization has transformed the social structure of the community. There can be no normal swing of the pendulum. A condition of party fluidity is found only in societies of a high degree of social homogeneity. Permanently dissident groups, such as the Irish Nationalists in Great Britain before 1922 and the French Canadians in Quebec, always present impediments to the proper functioning of cabinet government. Where the entire party structure consists of such inflexible and rigid social strata, as is frequently the case upon the continent, cabinet government is theoretically quite anomalous.

A further condition for the perfect working of cabinet government is a unicameral legislature, or such a complete subordination of the upper chamber to the popularly elected house that the latter's will can within a reasonably short period be made absolutely effective. The relationship of control and responsibility between the ministry and the legislature which characterizes cabinet government is largely nullified where two chambers, differently constituted and often committed to quite antagonistic policies, equally claim the right to reverse a ministry. Responsibility under a bicameral system is diffused and scattered. Either the ministry under such conditions recognizes responsibility to both houses and consequently is weak and incapable of exerting real leadership or it takes advantage of the divided parliament to rise above effective control and becomes practically irresponsible.

Even in Great Britain, where cabinet government functions most satisfactorily, these theoretical conditions do not fully obtain. The Irish Nationalists constituted for a period of fifty years, prior to the establishment of the Free State, a third party which at times seriously embarrassed the working of the cabinet system. In the later phases of the Great War party lines practically disappeared and a coalition ministry governed almost without parliamentary control. The emergence of the Labour party in recent years has raised the pertinent question as to whether British government will not have to adapt itself to a permanent system of three parties. Both the first and second Labour ministries have lacked a Labour majority in the House of Commons, and their tenure of office has been extremely precarious, depending upon sufferance of the two other parties, particularly the Liberals. The Labour governments have frequently been defeated in the Commons. The opposition in inflicting these defeats has not, however, desired to bring about the retirement of the ministry. A minority government holding power through the forbearance of the opposition is, however, at best a weak government, unable to achieve its program effectively. It is constantly hampered by the necessity of conciliating the opposition. Whether this situation will persist or whether the Liberal party will eventually disappear as an effective factor in British politics is a matter of speculation.

In France the kaleidoscopic range of political groups from extreme right to extreme left has in recent years been somewhat stabilized by the formation of blocs consisting of a number of such groups. During the decade following the war two such blocs, the Union Nationale, composed of moderate and conservative elements, and the Cartel des Gauches (Left Bloc), seemed to offer a possible basis for a permanent two-party system along Anglo-American lines. But the Left Bloc, after winning the election of 1924, dissolved in the succeeding years when faced with the serious problem of stabilizing the franc. The victory of the Union Nationale in the election of 1928 was in reality a personal victory for Poincaré, and with the accomplishment of his work of financial stabilization this bloc also gives evidence of speedy disintegration. Extreme fluidity and instability are fundamental characteristics of French political parties and explain in large measure the relative failure of cabinet government in that country.

Cabinet government in its normal operation is a strong form of political organization, capable of speedy and effective action. In emergencies the cabinet is able to draw to itself all the powers of the state. This strength lies largely in its simplicity, and since the government rests upon the public opinion of the community the danger of despotism is slight. Under cabinet government reliance is placed upon understandings and a common willingness to play the game according to the rules rather than upon a complex system of legal arrangements and determinations. It necessitates on the part of the people a high degree of political education and capacity.

W. J. SHEPARD

See: CABINET; GOVERNMENT; LEGISLATIVE ASSEMBLIES; CONGRESSIONAL GOVERNMENT; BICAMERAL SYSTEM; BLOC, PARLIAMENTARY; COALITION; PARTIES, POLITICAL; ADMINISTRATION, PUBLIC.

Consult: Bagehot, Walter, *The English Constitution* (new ed. London 1872); Anson, W. R., *The Law and Custom of the Constitution*, 3 vols. (5th ed. Oxford 1922); Blauvelt, M. T., *The Development of Cabinet Government in England* (New York 1902); Garner, James W., "Cabinet Government in France" in *American Political Science Review*, vol. viii (1914) 353–74; Jenks, Edward, *Parliamentary England: the Evolution of the Cabinet System* (London 1903); Keith, A. B., *Responsible Government in the Dominions*, 2 vols. (2nd ed. Oxford 1928); Lowell, A. Lawrence, *The Government of England*, 2 vols. (rev. ed. New York 1912), especially chs. ii, iii, xvii, xviii, and xxiii; Hasbach, W., *Die parlamentarische Kabinettsregierung* (Stuttgart 1919).

CACHET, LETTRE DE. A lettre de cachet was, in general, a document by which the king of France gave an order to an individual on a matter affecting his own service; it was countersigned by a secretary of state and sealed (*cacheté*)—hence the name, in contrast to letters patent which were not sealed. In the narrower and more common sense, however, the expression had reference particularly to orders by which the government, on its own authority and without judicial formalities, imprisoned or exiled an individual.

Theoretically this practise was justified by the principle that the king was the sovereign judge from whom emanated all law and justice. He could therefore, when he chose, pronounce judgment on one of his subjects without being compelled to observe the forms prescribed for ordinary judges and without having to indicate the reason for his decision. The kings of France early made use of this right, but it was in the seventeenth and eighteenth centuries under the absolute monarchy that imprisonment and exile by lettres de cachet were most frequent. They were used for crimes against the safety of the state, for crimes of opinion, even for family affairs—thus a father might shut up a prodigal son or a daughter who refused the suitor he proposed; a husband might obtain the incarceration of his wife of whom he had reason to complain; a great lord might have a relative imprisoned for disgracing the family by his conduct.

Delinquents were usually imprisoned in the Bastille, which became famous on that account, but there were numerous other "royal castles" to house prisoners of lesser importance, such as the Château de Vincennes, the For-l'évêque in Paris (for actors), the Château d'If near Marseille, Pierre-Scize near Lyons, the Tour de Constance at Aigues Mortes or the Mont Saint-Michel. Hospitals and convents were used for the same purpose.

It is easy to understand how this convenient method of disposing of its enemies came to be abused by the government. It has been estimated that nearly 150,000 lettres de cachet were dispatched during the reign of Louis XV. The king, who was supposed to sign them himself, as a matter of fact allowed his name to be signed by a scribe; the minister who sent them, unable to investigate everything to which the letters referred, had to rely on his subordinates, clerks, superintendents or chiefs of police. Sometimes these subordinates actually received letters signed in advance, with the name of the addressee in blank so that a mere clerk might, in the name of the king, imprison anyone who displeased him. This was the principal method of prosecuting crimes of opinion. Jansenists, Quietists, Protestants, *philosophes* were imprisoned for having expressed opinions disapproved by the government. Voltaire, Mirabeau, Helvetius, Linguet were confined in the Bastille and their books burned. Lettres de cachet in powerful hands were a formidable weapon against liberty of thought and person.

Those whom it threatened soon protested against this practise. Voltaire, Montesquieu, Mirabeau, the *encyclopédistes*, repeatedly demanded its suppression. But it was primarily the expostulations of the *parlements*, of the *cours des aides* and of the *chambres des comptes* which created a wave of opinion against the lettres de cachet. "The result is, sire," declared the *cour des aides* of Paris to the king in 1770, "that no citizen of your realm is guaranteed against having his liberty sacrificed to revenge. For no one is great enough to be beyond the hate of some minister, nor small enough to be beyond the hate of some clerk." Among the attempts at reform under the reign of Louis XVI was the project formulated by Minister Malesherbes to abolish lettres de cachet, but this project failed. His defeat served only to discredit the monarchy still further and there is no doubt that this practise was important among the immediate causes of the revolution. The general condemnation of it by the three estates was revealed in the *cahiers de doléances* of 1789. It explains, moreover, why the Bastille served as a symbol of oppression to the Parisian populace. In August, 1789, the Constituent Assembly definitively condemned lettres de cachet in France when it proclaimed the principle that no man can be accused, arrested or detained except in cases fixed by law and according to the forms prescribed by law.

ED. ESMONIN

See: POLITICAL OFFENDERS; CIVIL LIBERTIES; FRENCH REVOLUTION.

Consult: Funck-Brentano, F., *Les lettres de cachet* (Paris 1926), *Les lettres de cachet à Paris* (Paris 1903), *La bastille des comédiens: le for l'éveque* (2nd ed. Paris 1903); Marion, M., "A propos des lettres de cachet en blanc" in Académie des Sciences Morales et Politiques, *Séances et travaux*, n.s., vol. i (1898) 124–33; Fling, F. M., "Mirabeau, a Victim of the *Lettres de Cachet*" in *American Historical Review*, vol. iii (1897–98) 19–30; Joly, A., *Les lettres de cachet dans la généralité de Caen au XVIII^e siècle* (Paris 1864); Haegen, Ph. van der, "Mémoire sur la lettre de cachet dans le Languedoc sous Louis XV et Louis XVI" in *Messager des sciences historiques de Belgique* (1881) 80–123, 221–44 and 349–69; Gaffarel, P., "Les lettres de cachet en Provence" in *Revue historique*, vol. cxvi (1914) 1–46; Dupont, Étienne, *Les légendes criminelles et l'histoire: La bastille des mers: Les exilés de l'ordre du roi au Mont-Saint-Michel (1685–1789)* (Paris 1920).

CADBURY, GEORGE (1839–1922), English social reformer. With his brother Richard he inherited from his father a small cocoa manufacturing business in Birmingham and together they developed it into an industry employing many thousands and operating all over the world. Concurrently with this achievement they both devoted themselves to social experiments, Richard on traditional lines, George more originally and adventurously. During his work in connection with the Adult School he became impressed with the degrading effect of crowded city life, and when in 1880 he and his brother removed their works into the country four miles outside of Birmingham he founded Bournville, which was destined to become the archetype of the garden city. Through this enterprise he attacked scientifically the problems of housing, town planning and land monopoly. He disclaimed any philanthropic purpose but sought to show how industrial England could be reconstructed on enlightened and economic principles. Ultimately he handed over the developed experiment to a trust on behalf of the nation as a working model of the fulfilment of his ideas. The modern movement in housing and town planning reform, not in England only but on the continent, especially in Germany, has derived largely from Cadbury's experiments.

Meanwhile he promoted and financed a movement that culminated in the establishment of national old age pensions with its corollary of national insurance, and he helped by his purse and by his influence through the *Daily News*, of which he had become the proprietor, to abolish the scandal of sweated industries. His benefactions were innumerable. They included a home for cripples, a resthouse for convalescents, many Quaker meeting houses and the Woodbrooke Settlement. The latter became the home of "modernism" in the Quaker movement and the nucleus of the Selly Oak colleges, which constitute a new type of social and religious university. His personal benevolences were ceaseless but they always aimed at a regenerative or constructive purpose. His greatest pleasures to the end of his days were his work in the Adult School at Birmingham and the almost daily dispensing of hospitality to the thousands of the poor of Birmingham, to whom his grounds at Northfield were always open for sports and fêtes. He took little part in public life and declined all honors.

A. G. GARDINER

Consult: Gardiner, A. G., *Life of George Cadbury*

(London 1923); Wood, H. G., "George Cadbury" in *Christian Social Reformers of the Nineteenth Century*, ed. by Hugh Martin (London 1927) p. 185–203.

CADET PARTY. *See* PARTIES, POLITICAL.

CAESAR, GAIUS JULIUS (102 or 100–44 B.C.). He was by birth a Roman of an unimportant patrician family, by political affiliation an adherent of the popular party. The support of the *Populares* secured his advance through the lower magistracies and his election as pontifex maximus in 63 B.C. Becoming consul (59 B.C.) with the backing of Pompey and Crassus, he displayed an utter disregard of constitutional practises, which incurred the undying hostility of the senatorial faction. By securing an extraordinary command in Cisalpine and Transalpine Gaul for a period of five years, later extended to ten, he was able to develop his latent military talents, create an efficient army devotedly loyal to himself and amass a huge fortune, as well as exercise an enduring effect upon the cultural history of Europe by adding the "Three Gauls" to the Roman Empire. Fear of his power led the Senate and Pompey to unite in an effort to procure his ruin, whereupon he appealed to arms to protect his life and his position (49 B.C.). Caesar emerged victorious from the civil war (46 B.C.), became master of the Roman world and was forced to face the problem of reorganizing its government.

Despite his previous championship of the *Populares* he now disassociated himself from all ideas of democratic rule and treated the commons as unfit to share in the government of the state. He abandoned completely the old Roman ideal of city-state imperialism and frankly accepted as the solution of his problem a world empire ruled by a deified autocrat of the Hellenistic type. This explains his acceptance of the permanent dictatorship and other unconstitutional offices and powers, his welcoming of divine honors, his degradation of the senate to a position of subservience to himself, his generous admission of provincials to Roman citizenship, his courting the title of king and his plans for the expansion of the Roman dominions into a world empire. In his system there was no place for the institutions and traditions of the republic, and it was the realization of this by the senatorial aristocracy which brought about his assassination.

Caesar's most important legislative measures were those affecting the reform of the calendar, the regulation of the grain dole, the restriction of the guilds, the employment of free rural labor, municipal organization and extensive colonization enterprises. Many of his projects, however, remained for later ages to accomplish. Caesar's chief contribution to contemporary history was his preparation of Roman society for the principate established by his grandnephew Augustus; his legacy to the future was his imperial ideal which obtained full realization in the autocracy of Diocletian.

A. E. R. BOAK

Consult: Holmes, T. R. E., *The Roman Republic and the Founder of the Empire*, 3 vols. (Oxford 1923); Meyer, Eduard, *Caesars Monarchie und das Principat des Pompejus* (2nd ed. Stuttgart 1919); Groebe, P., and Klotz, A., in Pauly, A. F. von, *Realencyclopädie der klassischen Altertumswissenschaft*, vol. x, cols. 186–275; Drumann, W. K. A., *Geschichte Roms in seinem Übergange von der republikanischen zur monarchischen Verfassung*, 6 vols. (2nd ed. by P. Groebe, Berlin 1899–1929) vol. iii, p. 126–752.

CAIRD, JAMES (1816–92), British political economist and pioneer in the development of scientific agriculture. He was influential in English agricultural circles for nearly half a century, first as writer, then as member of Parliament and finally as the incumbent of many offices in the governmental agricultural services. His report upon the condition of agriculture in England in the year 1850–51 was the most valuable since that of Arthur Young. This study convinced him of the desirability of reliable agricultural statistics and it was as a result of his unceasing efforts that the government finally began to issue such data in 1866. As a practical farmer Caird believed that English agriculture could be saved, despite the repeal of the corn laws, by the practise of high farming, i.e. by larger capital investment in manures and draining, a greater emphasis upon livestock and the intelligent use of scientific methods. The period of agricultural prosperity from 1853 to 1875, due in large part to the Crimean and American civil wars, appeared to substantiate Caird's opinion. But he failed to foresee the factors, such as cheapened transportation, which finally brought on the depression following 1875. It has been the contention of many that high farming was in the long run more harmful than helpful to English agriculture.

W. H. DAWSON

Important works: *High Farming under Liberal Covenants, the Best Substitute for Protection* (London 1849, 7th ed. Edinburgh 1850); *English Agriculture in 1850–*

51 (London 1852); *Prairie Farming in America* (London 1859).

Consult: Craigie, P. G., in *Economic Journal*, vol. i (1892) 196–98.

CAIRNES, JOHN ELLIOT (1823–75), Irish economist. Cairnes graduated from Trinity College, Dublin, in 1848 and upon the advice of a friend some years later began to read political economy. In 1856 he won the five-year appointment to the Whately professorship at Dublin University. He was admitted to the Irish bar in 1857 and appointed professor of political economy at Queens College, Galway, in 1859, and at University College, London, in 1866. *The Character and Logical Method of Political Economy*, the title under which he published his first course of lectures (London 1857, 2nd ed. 1875), was followed in 1862 by *The Slave Power* (2nd ed. London 1863), which was intended, in the author's words, "to show that the course of history is largely determined by the action of economic causes," and which was, at the same time, in the words of Leslie Stephen, "the most powerful defense of the cause of the Northern States ever written." He published numerous articles, on educational policy, the Irish land situation, and money and prices, some of which were embodied in his *Political Essays* (London 1873) and his *Essays in Political Economy Theoretical and Applied* (London 1873); and as his reputation grew, he came to exercise great influence upon public opinion and upon important public issues. The appearance of his chief economic work, *Some Leading Principles of Political Economy Newly Expounded* (London 1874), and the death of John Stuart Mill left Cairnes, in the judgment of his countrymen and of many others, the foremost living economist.

Cairnes' main purpose in writing *Some Leading Principles* was to defend Ricardian doctrines against the increasing attacks of critics and particularly against the final utility conception of Jevons. He always regarded himself as a disciple of J. S. Mill (see dedication to first edition of *The Slave Power*) and a member of the "orthodox" classical school. This was also the opinion of his earlier admirers among conservative theorists, such as J. L. Laughlin and Francis A. Walker. A different view was foreshadowed by Alfred Marshall, who from the first feared that Cairnes' effort to amend the classical doctrines was really aiding to overthrow them. As J. N. Keynes said later, the theoretical work of Cairnes helped "to shake faith in the finality of the Ricardo-Mill doctrines." Yet in wide circles it considerably retarded the development of more consistent and tenable views.

Cairnes' narrow advocacy, in his earliest work, of the deductive and abstract method was refuted by his own best studies in historical causes, such as *The Slave Power*, and in statistics and observation, such as the essays on the Australian gold episode. His attempt to revive the wage fund doctrine after J. S. Mill had repudiated it was ingenious but futile. His discovery of the ambiguity in the term "cost of production," his rejection of Mill's use of the term in the sense of entrepreneur's monetary outlays, and his attempt to restore it to the meaning of sacrifice, pain or trouble only made confusion worse confounded. The "doctrine of non-competing groups," Cairnes' best known contribution to economic theory and terminology, owes its wide vogue to its eclectic, compromising character. Although superficially it appears to preserve the essence of the cost-of-production doctrine it virtually concedes the validity, over a large part of the field, of the value-of-produce explanation of price. It is in fact Mill's doctrine of reciprocal demand extended from foreign to a large portion of local and domestic trade.

Frank A. Fetter

CALENDAR. A calendar, in the words of Durkheim, "expresses the rhythm of the collective activities, while at the same time its function is to assure their regularity." Even on the lowest stage of culture some time reckoning is a necessity to man. In the ever recurring changes of seasons, in animal and plant life and in the celestial phenomena, nature provides means for such measurement. The time of the day can be indicated by reference to dawn, sunrise, the position of the sun in the heavens; the time of the year by seasons and more precisely according to natural events—the sprouting and falling of the leaves, the appearance and rutting time of certain animals. Among nomadic peoples the time when the young are born is important; among agricultural peoples the cycle of agricultural occupations serves as a natural calendar. Although the year as the cycle of the seasons is well known to most peoples, by many it is not conceived as a period of a definite length. Thus agricultural peoples have sometimes an incomplete "year," from the beginning to the end of the agricultural occupations; the interval is passed over without counting. Social and religious life are regulated by, and come to center around, such natural calendars; fairly common are New Year festivals at sowing and especially at harvest times; in the far north winter, during which labor rests, is the time of festivals, hence the popularity of the yuletide; and half Africa assembles to dance on the nights of full moon. Among slightly more civilized peoples a short period not depending on natural phenomena but on the exigencies of social life may become a means of time measurement. Thus the market week of four to eight days is common; a well known historical example is the *nundinae* of ancient Rome. The Jewish sabbath was also probably a market day originally. Market weeks are sometimes comprised in cycles forming a kind of year as in West Africa and old Mexico, but among most peoples the year cycle long remains vague. Years are counted by counting seasons: he who has seen ten winters or harvests is ten years old. The years are not numbered but are referred to in terms of outstanding events: a war, a disease, in more developed civilizations such as Egypt or Babylonia the reigns of kings or annual changes in magistrates and public officers. Still later is the introduction of eras such as the Olympiads, the era beginning at the mythical date of the founding of Rome and that dated from the birth of Christ, which was introduced by the Christian calendariographer, Dionysius Exiguus, about 525 A.D.

As festivals and religious observances acquire a life and an importance independent of their connection with seasonal occupations, and as social life increases in complexity, a more exact system of time measuring becomes necessary. Time reckoning in the proper sense involves not only observation of changing events but calculation of units of time of a definite length. A moon month is the most easily observed, continuously repeated period of fixed length and may readily be subdivided into days distinguished by the shape and position of the moon. These traces of the use of a moon month may be found in almost all calendrical systems. Greater definiteness is achieved by the adoption of a list of month names covering the year. But the changes of natural life depend ultimately on the course of the sun and are consequently related to the risings and settings of the stars. The divergences between the lunar and the solar reckonings have caused difficulty to all calendar makers. A method of determining the true length of the solar year was early discovered by a few primitive peoples, and the Egyptians knew it probably in the fifth century B.C. The calculation is based on the fact that the stars culminate every day four minutes earlier than the sun; consequently a day of the solar year is determined fairly accurately by indicating it as being the day of the first appearance of a certain star in the morning dusk (its heliacal rising), and the measurement of the time between two heliacal risings of a star fixes the length of a solar year. Since the solar year is approximately 365 days in length, while a twelve-month period (of the $29\frac{1}{2}$-day month from one new moon to another) comprises 354 days and a thirteen-month period $383\frac{1}{2}$ days, some adjustment is necessary to keep the months in their places in the year. Peoples who have a twelve-month system commonly add a month (intercalation) and those who have one of thirteen months leave out a month (extracalation) when needed, at regular or irregular intervals. Certain peoples have gone even farther in basing their calendars on the solar rather than on the lunar year. The Egyptians very early observed the heliacal rising of the star Sirius, called by them Sothis, which then corresponded with the beginning of the Nile flood, and thus conceived the idea of the solar year and introduced it, probably in 4241 B.C. Their twelve months, numbered but not officially named, each had thirty days, thus becoming subdivisions of the solar year rather than moon months. The year was completed [$(12 \times 30 + 5 = 365)$] by five epagomenal days belonging to no month. Even the 365-day year, however, does not correspond exactly with the time period of the earth's revolution, being nearly six hours too short. It is therefore necessary to insert an extra day about every fourth year to keep seasons and months in correspondence. Although Egyptian astronomers quite early understood these relationships of the various time periods, they were not actually embodied in the calendrical system, and their year remained a "vague" year.

Few early peoples developed so complex and exact a system of time reckoning as did the Egyptians, although the influence of their calendar can be traced widely throughout the world. The Babylonian calendar was a lunar calendar, adjusted to the solar year by intercalation. The Hebrews may have derived the practise of intercalation from the Babylonians; certainly after the Exile they adopted the Babylonian names of the months as well as some of their ritual features. The Persian calendar, which still prevails in those parts of the old

Persian empire independent of Moslem rule and which was carried into India by the Parsees, shows definite traces of Egyptian influence after the Persian conquest of Egypt under the Achaemenides. In particular it is based on the 360 + 5-day year. In India the enormous mass of local cults and festivals is based on a lunar year and a lunar zodiac, which was adjusted by early Hindu astronomers through the use of a five-year cycle with the insertion of an intercalary month in the second and fifth years. It is more difficult to reconstruct the early Chinese calendrical system, for the board which issued the official calendar yearly until the revolution of 1912 had undoubtedly been influenced by contact with western ideas introduced by the Jesuits in the seventeenth century. It is clear that the Chinese have had from early times a lunar month of 28 days named after the 28 lunar stations. In the official calendar, however, the lunar month has 29½ days and the solar 30½. In the measurement of longer periods of time the Chinese employ a curious sexagesimal cycle, traditionally based on a combination of the five elements with the twelve animals of the zodiac. The same cycle is applied to the day, which is divided into sixty parts.

Of recent years interest has centered in the problem of the origin of the Mayan calendar. Based on a cycle of 260 days, called the Tonalamatl, which had a magic significance as yet unexplained, and combined with the solar year in a 52-year cycle, the Mayan calendar is said to exhibit a high degree of scientific knowledge. Its analogies with the Chinese calendar have led such scholars as W. J. Perry and Elliot Smith to hypothesize a close connection of the Mayan culture with that of Asia, but this claim is widely disputed.

The development of any such complex calendrical system requires not only the discovery of scientific principles but the continued application of expert skill in the management of the system. The control of the calendar naturally fell first into the hands of the priests, who were not only the possessors of knowledge but the directors of those religious festivals on which the calendar rested. Long after the Exile it remained the privilege of the Jewish high priest at Jerusalem to announce the intercalary months and thereby to fix the time of the celebration of the chief feasts, sending messengers to the Jews of the Diaspora. Powerful rulers usually took over the privilege. From the time of Hammurabi until 538 B.C. the Babylonian kings issued edicts inserting intercalary months at the advice of the astronomers, who were probably priests. The creation of the Chinese board for the official calendar is attributed to the Emperor Tao (*c.* 2400 B.C.). Control of the calendar, with all its implications as to the control of religious rites and popular festivals, has been an important instrument of political centralization as well as of cultural change. A variety of local calendars, based on local cults, existed in the old Sumerian cities. During the supremacy of Babylon the calendar was unified and thus a calendar brought into general use which combined the features of various of the older calendars and was of no small importance in the maintenance of the political supremacy of Babylon.

The very importance of the calendar to the whole social system makes almost inevitable the lapse of considerable periods of time between the progress of astronomical knowledge and change in the method of time reckoning. The calendar has repeatedly been an important cause of social conservatism. Even in Egypt, although knowledge of the astronomical cycles was widespread, the religious calendar was only irregularly adapted to it. Of the earliest Greek calendar we know nothing except that it had moon months. The well known Greek luni-solar calendars of the historical age had a religious character and were circulated from the oracle in Delphi in the seventh and sixth centuries B.C. They comprised a cycle of eight years with three leap years of thirteen months.

This year cycle of 365¼ days, which emanates from Egypt, has become through its adoption as the basis of the Julian calendar the fundamental calendrical system of the Occident. The early Roman calendar had been of the luni-solar type, administered by the pontifices. They had used their control of its correction for personal and political motives. One of the steps taken by Julius Caesar in the building up of his power was the reform of this calendar. Relying on the technical aid of the Alexandrian astronomer Sosigenes in 46 B.C. he introduced the Egyptian solar year, improved by the addition of an intercalary day every fourth year and subdivided into months of somewhat unequal length with Roman names. Quintilis and Sextilis were renamed Julius and Augustus in honor of Caesar and Augustus respectively. About this same time the seven-day week became popular, and with the prescription of the celebration of Sunday Christianity introduced over a wide area the boon of regularly recurring rest days. It was also due to the Christian church that a troublesome feature of the luni-solar system survived. For Christianity inherited from Judaism the movable Easter festival and its connection with the full moon. The Jewish rule was remodeled so that Easter was celebrated on the first Sunday after the first full moon after the spring equinox. This permits variations of 35 days in the date of Easter; the stabilization, or "fixing," of this religious festival has concerned all calendar reformers of the modern world, and a solution of the difficulty is still to be found. Even the year of 365¼ days does not correspond exactly to the length of the true solar (tropical) year, being about eleven minutes too long. All long established calendrical systems have had to face this difficulty. Its recognition was involved in the various cycles of time periods which have characterized most developed systems. The Egyptian Sothis cycle of 1461 years, representing the time which elapses between each exact correspondence of the heliacal rising of Sothis with the New Year's day of the vague year, was of this character. The Metonic cycle of 19 years, traditionally inaugurated in Greece in 432 B.C., forms the basis for a cycle aiming to bring about an exact correspondence between the lunar and the solar reckoning. But in practise few calendars have been adapted to such cyclical variations, and consequently intermittent "corrections" of existing calendars have been necessary. In Persia an accumulated discrepancy was disposed of by a reform in 1079 A.D. In the western world the discrepancy had become marked by the sixteenth century and was corrected by Pope Gregory XIII in 1582 by the omission of ten days from that year. For the future the difficulty was to be obviated by the omission of three intercalary days in 400 years. This new Gregorian calendar was adopted but hesitatingly by the Protestant countries—it was not accepted in England until 1752; and the Greek orthodox countries, Russia and Greece, kept the old style until after the Great War. The difference between the Julian and Gregorian calendars amounts now to 13 days. The rules for calendar construction adopted by the orthodox church in a synod in Constantinople in 1923 still differ from those of the Gregorian calendar, chiefly in the location of Easter.

A bothersome confusion was introduced into the calendars of many peoples by the Mohammedan religion. Before the time of Mohammed the Arabs had used a luni-solar year, but in 631 A.D., shortly before his death, Mohammed imposed on his followers a lunar year of twelve lunar months of an average of 29 days and forbade the practise of intercalation. This anachronism spread with the Moslem religion over a large part of Africa and the Far East, even into Polynesia. It remains a stumbling block in the way of any international calendar reform.

The Gregorian calendar of the western world has certain irregularities and inconveniences which have become increasingly evident, and with the growth of secularism proposals for reform are heard with increasing frequency. Many projects were advanced throughout the eighteenth century. During the French Revolution an attempt was made to revert to the Egyptian system, with the retention, however, of intercalary days and the division of the month into three ten-day periods. Auguste Comte proposed a year consisting of thirteen months each with 4 weeks of 28 days and one, in intercalary years two, blank days (364—1 or 2 respectively). Of recent years an increasing pressure for change has come from business groups and social statisticians, who find the irregularities of accepted month intervals a serious obstacle to the achievement of regularity and comparability of records. It is thought by many groups that a fixed calendar with equal time units and the days of the week occurring always on the same date of the month would be far more convenient for a complex commercial organization. But the problem of making any such fundamental change of habits acceptable to the majority of the people of one country or of the world is indeed great. Certain isolated but increasingly numerous industrial groups in the United States, such for instance as Sears, Roebuck and Company, have placed their own business on a thirteen months basis, hoping for an eventual widespread acceptance of the system. In 1923 the League of Nations set up a technical committee to consider calendar reform; this body has gathered suggestions from religious and business groups throughout the world, concentrating attention, however, upon a reform acceptable to western peoples. It has eliminated more drastic proposals for change but has failed to find a generally acceptable solution. Meanwhile, the U. S. S. R. has adopted a five-week calendar combined with a system of rotating holidays for different industrial groups. Whether or not this system will find wide acceptance elsewhere, some form of stabilization of the calendar may perhaps be expected to follow a sufficient widening of the spread of industrialization and mechanization, even though it lag far behind.

Martin P. Nilsson

See: Holidays; Festivals; Priesthood; Weights and Measures; Science; Change, Social; Society.

Consult: Ginzel, F. K., *Handbuch der mathematischen und technischen Chronologie*, 3 vols. (Leipsic 1906–14); Nilsson, M. P., *Primitive Time-reckoning* (Lund 1920); Webster, H., *Rest Days* (New York 1916); Philip, A., *The Calendar* (Cambridge, Eng. 1921); Hooke, S. H., *New Year's Day* (London 1928); National Committee on Calendar Simplification for the United States, *Report Submitted to the Secretary of State* (Rochester 1929); League of Nations, Special Committee of Enquiry into Reform of the Calendar, *Report*, Publications Series VIII, no. 6 (Geneva 1926). There are many classic studies of specific calendars; for further references see the article on this subject in Hasting's *Encyclopaedia of Religion and Ethics*, vol. iii, p. 61–141.

CALHOUN, JOHN CALDWELL (1782–1850), American statesman and social theorist. Calhoun's political career was closely tied up with the economic interests of his state, South Carolina, and of the entire South; his principal significance in American history lies in the cogency with which he framed syllogisms of political theory which rationalized these interests. In the early years of his political career, from 1807 to 1827, until the economic interests of the South and the rest of the country diverged sharply, Calhoun found it possible to be a Whig, a militant nationalist and at times even an advocate of a national bank, internal improvements and a protective tariff. But as the incidence of the tariffs on the South became clear Calhoun shifted his position and in the *South Carolina Exposition* (*Works*, vol. vi, p. 1–87) and his letter to Governor Hamilton (*Works*, vol. vi, p. 144–93) framed the doctrine of nullification. When the drift of events began to indicate that slavery rather than the tariff would divide North and South, Calhoun made explicit the forces making for cleavage and consolidated the theoretical position of the South. He viewed slavery as the foundation of the existence of the South and opposed abolition and all attempts by the North to upset the balance of power in the Senate as striking at the only possible basis on which the Union could continue. The clear cut nature of this position was, in the rapidly shifting political manoeuvres and alignments of the time, a political disadvantage; and though Calhoun held with conspicuous success the posts of senator, vice president, secretary of war and secretary of state he never reached the presidency.

As a political theorist Calhoun ranks among the very greatest that American thought has produced. His political theories are contained in his *Disquisition on Government, and a Discourse on the Constitution and Government of the United States* (*Works*, vol. i) and his numerous public utterances. These do not embody a complete theory of the state, but set forth the doctrine of states rights as it came to be accepted in America.

The central concept in his political philosophy is his notion of the "concurrent majority," through which an organism is created to obtain the sense of each interest or portion of the community that may be unequally and injuriously affected by action of the government. The sense of each interest or division thus taken shall be expressed through its appropriate organ and shall be necessary in making or executing the laws or shall constitute a veto on their execution. Thus Calhoun opposed the principle of the numerical majority by a principle which regards interests as well as numbers. According to Calhoun the United States constitution originally established a government of the concurrent majority composed of two elements—the states in their corporate character and their representative population—which exercise separate but concurrent action. But the United States government is only part of a system of governments. Each state has its own government, which is its exclusive and representative organ as to all powers which have not been delegated to the United States government. It was to the people of the several states that sovereignty devolved upon the separation from Great Britain, and it was through the exercise of this sovereignty that the state constitutions as well as the United States constitution were created.

Since Calhoun viewed the constitution as a compact between sovereign political communities, he insisted that the individual states enjoy a veto on the proceedings of the government of the United States. The exercise of this negative is possible because sovereignty resides in the people of the several states. It therefore follows that a state may reject, within its own borders, any measure which it deems inconsistent with the terms of the constitution. If three fourths of the states support the action of the United States government, the nullifying state is not bound to acquiesce, but may secede from the Union. The right of secession results necessarily from the nature of a compact between sovereign parties.

Calhoun's work was a powerful attempt to formulate democracy in terms of minority rule.

It failed because it overlooked the growth of the country, in which an identity of interests between its various parts, reconcilable with the principle of majority rule, was already established. The South alone stood outside the influence of economic forces which were welding the West and the older states of the North together. But Calhoun's theory of the concurrent majority profoundly influenced the thinking of many southern statesmen and found practical embodiment in the constitution of the Confederacy.

WILLIAM SEAL CARPENTER

Works: *Works*, ed. by R. K. Cralle, 6 vols. (New York 1851–56).

Consult: "Correspondence of John C. Calhoun," ed. by J. F. Jameson, in American Historical Association, *Annual Report, 1899*, vol. ii (Washington 1900) p. 71–218; Merriam, C. E., *A History of American Political Theories* (New York 1903) p. 267–88; Carpenter, William S., *The Development of American Political Thought* (Princeton 1930) p. 143–52; Hollis, Christopher, *The American Heresy* (New York 1930) p. 82–117.

CALIPHATE. The caliphate is a Mohammedan office or institution involving, theoretically, successorship to the position of the founder of the religion and uniting in a peculiar way functions of church and state. The word *Khalīfah* was used in the Koran in a number of connections, none of which clearly signified succession to the position of Mohammed, and it has since been used by Moslems in various senses besides this central one. Other titles used as more or less synonymous with caliph have been *imām*, referring especially to supreme leadership in worship, and *amīr al-mu'minīn* (commander of the faithful), referring to military authority.

During thirteen centuries of existence the caliphate has met with widely varying fortunes. Its theoretical character, as formulated in Islamic lands and elsewhere, has usually differed widely from actuality. The chief phases of its history include the Medina caliphate, 632 to 661 A.D.; the Omeyyad caliphate at Damascus, 661 to 750; the Abbassid caliphate, 750 to 1258 (at Bagdad regularly from 762); the caliphate under the Mamelukes, 1261 to 1517; and the caliphate under the Ottomans, 1517 to 1924. The apparent continuity of this schedule is deceptive; it suggests a single historical function exercised over all Moslems, whereas after the first phase universality began to disappear. After about 800 A.D. parts of the Moslem world were permanently separated under rival caliphs or under no caliph, and the theory has been intermittently held in all parts of the Moslem world that the only true caliphs were the first four and that the application of the name to later Moslem rulers was a misuse. Important minor phases are the caliphate of Cordova, the Fatimid caliphate at Cairo and the Shiite and Khawārij schisms.

Mohammed, by combining the traditional limited authority of the sheik among the Arabs with a new absolutism derived from his accepted claim to be the one God's unique spokesman, built up a position in which he acted not only as prophet but as leader in religious worship, chief executive, sole legislator, supreme judge, military commander and treasurer. Advised by a small council of his earliest and most able followers he ruled the life of his community in a unified way, neglecting such distinctions as those between sacred and secular or between religion, government, law, ethics and etiquette.

He died without having made plans for a successor and his followers, stunned by the unexpected event, recognized immediately the desirability of continuing unified headship. A crude form of election, held at an informal meeting of the council and followed by approval on the part of the community, placed the aged Abu Bakr in the position of successor or caliph. Abu Bakr allowed himself to be called only *Khalīfah rasūl Allah* (successor of the apostle of God).

Abu Bakr nominated Omar to succeed him, but the element of election was preserved in that the consent of the Moslem community at Mecca was obtained. Apparently Omar was the guiding mind during both Abu Bakr's and his own period of leadership, and during these twelve years he established the first phase of the institution of the caliphate. The four early caliphs remained regularly at Medina, striving to make all their decisions as Mohammed would have made them and claiming no higher spiritual functions than those of other believers. Extraordinarily rapid conquests carried forward the worldly fortunes of the Moslems. The "prophet's fifth" of all booty as well as of regular revenue after the establishment of conquest was poured into the caliph's hands at Medina and by him distributed to the community. Besides presiding over religious worship and acting as chief executive and judge Omar appointed the commanders of the increasingly large armies, and the governors of provinces far richer than the Arabian home land. After the assassination of Omar, Othman was chosen by a process resembling Abu Bakr's election, and when he likewise suffered death by violence the Meccan group chose 'Ali, the cousin and son-in-law of Mohammed. The election of 'Ali did not, however, receive unanimous consent. In the civil war which ensued 'Ali was unsuccessful and was slain at Kufa in 661. In later years Shiite Moslems adopted the theory that 'Ali had been the only lawful caliph and that the office was continued by divine appointment to his descendants, rival caliphs being usurpers. The majority of Mohammedans, however, have at all times held that the caliphate passed to Mu'āwiyah and his line at Damascus.

The Omeyyad caliphate at Damascus was a line which became regularly hereditary, since each ruler during his own lifetime designated his successor, usually his eldest son. The principle of election was considered to be maintained in that the caliph procured the consent of his leading subjects to the heir apparency of his appointee. The caliph's function of religious leadership diminished greatly with the rulers of this dynasty and devolved upon a rising group of men learned in the Koran and the traditions of Mohammed. These caliphs lived like exalted sheiks—being personal military leaders and patrons of art and letters, they were easy of access and without Moslem exclusiveness. They carried civil war even to the Holy Cities of Mecca and Medina, where the local Moslems attempted to set up caliphs of their own choosing. The power of this dynasty came to an end partly through personal decline but more from the development of opposition among partisans of the family of 'Ali. With the overthrow of the Omeyyads the shrewder politicians of the family which was descended from 'Abbās, another of Mohammed's uncles, seized the prize of the caliphate.

The new Abbassid caliphs possessed by intermarriage a portion of Persian blood and by association an even larger share of Persian governmental ideas. These caliphs, established after 762 in the new city of Bagdad, were served with the pomp and submissiveness to which the former Persian emperors had been accustomed. Apparently very religious, they nevertheless increasingly employed learned advisers to adapt the sacred law to their desire. Actually their religious leadership was almost entirely formal and their effective duties chiefly administrative. The Moslem church (if such a word with its Christian associations can, without too much confusion, be applied to the total Mohammedan religious institution) had become nearly self-sufficient in its mosques, with their *imāms* and their *'ulama*, or learned men, who knew the *shar'*, or sacred law. *Qudāt*, or judges, and *muftūn*, or counselors, were selected from those versed in the law to aid the secular authorities on the side of justice. Their power was very great in all Moslem lands down to the nineteenth century, since in theory legislation had ceased with Mohammed and those who interpreted his law and adapted it to the conditions of the time were exercising a portion of his authority. In fact, by applying the Koranic principles to new circumstances and by codifying the legislation scattered through the Koran as well as the traditions and the decisions of judges, the Moslem learned men exercised in a concealed and limited way an actual function of legislation. Even to the present in most Moslem lands the laws of marriage and inheritance remain as developed a thousand years ago and are applied by judges trained in an undifferentiated body of theology and law. In this legislative process the caliph had no recognized part.

Within less than a hundred years from the establishment of this dynasty its secular power began to be taken over by individuals or lines drawn from Turks, Persians, Kurds, etc. Considerable wealth, splendor and dignity remained to the caliphs but their authority became slight in both church and state. For the *amīr al-umara*, commander-in-chief, ruling at Bagdad or warring in various provinces, the constant existence of a powerless caliph was a legal support and a cover of authority. For Moslem secular rulers as far west as Morocco and as far east as India the caliph was likewise a bestower of lawful authority, since diplomas of investiture, granted by him in exchange for costly gifts, confirmed such rulers in their place and power. The caliphs thus possessed without effort the right to invest secular rulers with office, a right which the great mediaeval popes strove in vain to establish for their successors.

In the eleventh century A.D., when the caliph's actual authority had been very much reduced, apparently sincere theorists set up for him most extensive claims as the "source of all authority and power in the Moslem world." He was in the view of many the sole representative on earth of the power of God, entitled to command the unreasoning obedience of all believers. Noteworthy among these legists was Mawardi, who affirmed as qualifications to be required in a caliph: membership in the tribe of the Quraysh (the Prophet's kin), male sex, full age, good character, freedom from physical and mental defects, comprehensive legal knowledge, administrative ability and courage and energy in the defense of Moslem territory. Mawardi stated as the functions of the caliph: the defense and maintenance of religion, the decision of legal disputes, the protection of the territory of Islam, the punishment of wrongdoers, the provision of troops for guarding frontiers, the waging of holy war against those who refused to accept Islam or to submit to Moslem rule, the organization and collection of taxes, the payment of salaries, the administration of public funds, the appointment of competent officials and personal attention to the details of government. A glance at this list of functions shows them to be not at all spiritual and only in the first and second items what might be called religious or ecclesiastical. The description is almost entirely that of an ideal secular ruler. Strangely enough the contemporary writer Alberuni affirms, more realistically for his time, the opposite view that the caliph controlled only matters which concerned religion and dogma and that he had no authority in the affairs of this world. The fact appears to be that the actual position of the caliph was from the middle of the ninth century ordinarily of very small consequence, but that as in the case of the emperor of the Holy Roman Empire men saw around him the vast shadowy outline of past greatness, which assumed different aspects according to the mentality of the observer. In later centuries both theorists and practical men continued to see the caliphate as very great, but with shifting and often intangible content. Nevertheless, it was granted, an individual caliph could be deposed by action of the believers, supported by a *fatwah* or decision of a *mufti*, if proved to have violated an essential point of the sacred law.

After the Mongols captured Bagdad in 1258 and exterminated all members of the Abbassid family upon whom they could lay hands, the Mameluke sultans in Egypt took advantage of an exceptional opportunity to obtain sanction for their power by maintaining in Cairo a real or pretended descendant of Abbas. These caliphs claimed wide jurisdiction and vast authority, but exercised no more real power than had the later Bagdad caliphs. Some of the fifteen were very poor but at the proper times they installed the Mameluke sultans with great pomp and ceremony. Their position in the eyes of the remainder of the world was greatly reduced, and it was during this time that the great fourteenth century legist, Ibn Khaldūn, wrote that the caliph, once a secular ruler, later a religious leader, had become but a name. The last of these caliphs was captured by Sultan Salīm I of Turkey and kept in Constantinople from 1517 to 1523. Sulaymān appears to have sent him back to Cairo, where he lived from 1523 until his death in 1543, continuing to style himself caliph.

There have been at least two erroneous conceptions of large import which have prevailed until recently in the western world, and to some extent even in the Mohammedan world, as regards the Ottoman caliphate. The first of these is that Sultan Salīm I bought the title of caliph from the last Abbassid at Cairo, or had it left to his house by will, so that from about the year 1517 the Ottoman chiefs were both sultan and caliph. The second misconception is that the office of Ottoman caliph was very similar to that of pope by reason of its supreme spiritual authority over all members of a numerous and widely spread religious organization.

Recent investigations have shown that some of Salīm's predecessors used the title caliph as regards themselves and were so addressed by other Moslems, the word having a limited meaning which might perhaps be compared to the complimentary use of the word caesar. It appears also that Salīm I and his son the great Sulaymān avoided apparently with care the use of the word caliph. Ottoman legists of their time inclined to the view that the caliphate had lasted only thirty years until the death of 'Ali. The first diplomatic document known which applies the words caliph and *imām* to the Ottoman sultan is the Treaty of Kuchuk Kainarji with Russia in 1774.

At this time the erroneous comparison of the caliph's position with that of the pope began to receive general acceptance in both the East and the West. It has been pointed out that of the powers exercised by the pope (performing mass, forgiving sins, promulgating dogma, judging finally the dogma and the liturgy, canonizing saints, granting indulgences and acting as supreme judge in certain cases) no trace can be found in the caliphate; nor was the caliph ever held to be the depository of divine truth. The sole valid point of comparison lay in the claim, revived from earlier centuries, to the undivided allegiance of a great religious community. To the extent that the caliph functioned at all he seems to have been an official much closer in character to the imperial than to the papal status.

In the course of the nineteenth century the

Ottoman Turks came to believe in the theory of the universal authority of their sultan as caliph. The constitution of 1876 proclaimed that "the sublime Ottoman sultanate, which possesses the supreme Islamic caliphate, will appertain to the eldest of the descendants of the house." Sultan 'Abdul-Ḥamīd II made use of this theory to stir up sympathy in many Mohammedan lands; the construction of the Hedjaz railway to facilitate the Meccan pilgrimage was in part an outcome of this theory, in which some force remained as late as 1923, when the Moslems of India expressed their interest in the caliph at Constantinople. But the post-war government of Turkey, having previously canceled the sultanate, acted in conformity with fact when in March, 1924, after a fifteen months' trial during which 'Abdul-Majīd II sought to perpetuate his office as a sort of papacy but could discover no real duties to perform, it abolished the office of caliph.

King Ḥusayn of the Hedjaz made an attempt to appropriate the title, for which there seemed to be no demand, and according to some affirmations British officials or individuals lent him encouragement. However that may be, the speedy loss of his temporal authority and his departure from the Holy Cities in 1925 put an end to his dream. Here and there hints have been dropped to the effect that King Fu'ād, as head of the largest Moslem state claiming independence, might well be made caliph. Fu'ād's Albanian descent and westernization, however, make this idea absurd. The suggestion has also been made that King Ibn Su'ūd of the Hedjaz and Nejd, an independent Arab and actual ruler of the Holy Cities, is the logical candidate. Ibn Su'ūd seems, however, to have no desire to assume the title. The word is still used by certain lesser officials in the modern world, such as the sultan of Morocco and some chiefs in Java, but inasmuch as these personages are neither independent nor of the tribe of the Quraysh they clearly can claim no universal authority.

The deposition and exile from Turkey of the Ottoman caliph do not in legal theory affect the existence of the office, which theoretically awaits a new incumbent. Indeed some Moslems have maintained that the Turks were but showing proper respect to the office by turning out of it a man and a dynasty unable longer to fulfil the task of defending the faithful. While a few Indian Moslems (Aga Khān and Amīr 'Ali) protested the deposition of Islam's "spiritual leader," most non-Turks, if not coldly indifferent, accepted the deposition and concentrated on the task of finding a new incumbent for the office. A conference was held at Cairo in May, 1926, in which the qualities of the caliph were reaffirmed in a form not unlike that of Mawardi with particular emphasis upon descent from the Quraysh and political independence. But no candidate could be presented who possessed the necessary qualifications, and the conference proved inconclusive.

Similarly the proposals of "regionalists" favoring local caliphs, of "reformers" favoring an all-Islamic council with a caliph as its executive and of the Indian Caliphate Committee, which formerly supported 'Abdul-Majīd but latterly has leaned toward Ibn Su'ūd, have all come to nothing. Although the important book by 'Abdul-Raziq, *Al Islam wa uṣūl al-ḥukm* (Islam and the foundations of sovereignty, Cairo 1925), was condemned by the Cairo conference for its denial of the obligatory character of the caliphate, the Mohammedan world seems as a whole to have accepted the view that the caliph is nothing if not the secular head of the Moslem community and that since no Moslem ruler can pretend to wield authority commensurate with the caliph's duties the institution is for the present defunct.

An interesting question arises as to the extent to which such movements as pan-Islamism, pan-Arabism and pan-Turanism can take the place of the religious unity formerly symbolized by the caliphate. While all these include chiefly peoples of the Mohammedan religion they look toward monarchies or federations of a purely secular character. 'Abdul-Ḥamīd II was somewhat interested in the notion of pan-Islamism, but the thought of uniting under one government all the Moslems of the world, spread from Morocco to the Philippines and from central Africa to southern Russia and western China, does not belong in practical politics. Pan-Arabism is scarcely more possible when Moslems speaking the Arabic language are ruled in such diverse ways as in French North Africa, Egypt, Syria, Iraq and the divisions of Arabia. There is also a small but intelligent and active minority of Christians and of Jews who speak Arabic as their primary language and who have therefore a place in pan-Arabism. The pan-Turanians are similarly under very diverse governments, in Turkey, in several republics of Soviet Russia, in China and perhaps among the Mohammedans of India. The people which showed for a time some enthusiasm in this cause, the independent and progressive Ottoman Turks, have set their faces firmly toward the West. None of these movements therefore seems destined to replace the caliphate as a unifying idea for Islam.

The caliphate is gone and may never be revived. Nevertheless there is a growing feeling of unity within Islam which perhaps descends in a direct line through the generations of learned men, from those who first began in the time of the Omeyyads to take over the religious leadership for which the caliphs of that dynasty were not temperamentally qualified. The world wide improvement in means of communication and the extension of the use of printing have operated among Mohammedans to increase physical contact and have enabled them to realize the possibilities of religious cooperation. The annual pilgrimage exists actively for bringing together Moslems from all quarters. True, there are among Mohammedans extreme ranges of opinion, from conservatives in dogma like the ʿUlama of Egypt and conservatives in practise like the Wahhabis of Nejd to extreme liberals in practise like the ruling group in Turkey and liberals in doctrine like the Aḥmadiyyah of India. Complete organic unity in Islam is at least as impracticable as unified church organization would be within Christianity. But further unification of feeling and perhaps increase of organization seem likely to take place without a serious attempt to reestablish a personal center in a restored caliphate, at least for a long time to come.

Albert H. Lybyer

See: Islam; Empire; Islamic Law; ʿUlama; Pan-Islamism; Pan-Turanism; Pan-Arabism; Near-Eastern Problem.

Consult: General Works: Arnold, T. W., *The Caliphate* (Oxford 1924); Becker, C. H., "Barthold's Studien über Kalef und Sultan" in *Der Islam*, vol. vi (1915–16) 350–412; Mawardi, Ali ibn Muhammad al, *Les statuts gouvermentaux*, tr. from the Turkish by E. Fagnan (Algiers 1915); Muir, William, *The Caliphate: its Rise, Decline and Fall* (rev. ed. by T. H. Weir, Edinburgh 1915); Sanhoury, A., *Le califat* (Lyons 1926); Tschudi, Rudolf, *Das Chalifat*, Philosophie und Geschichte series, vol. x (Tübingen 1926); Wittek, Paul, "Islam und Kalifat" in *Archiv für Sozialwissenschaft und Sozialpolitik*, vol. liii (1925) 370–426.

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CALL MONEY is the term applied to funds which are loaned on demand in the open market. It is used by domestic banks as secondary reserves, by foreign banks for the employment of international balances and by corporations for the investment of surplus cash. It is borrowed by brokers and dealers to finance their operations. To a lender call money represents an outlet for the productive employment of temporarily idle funds without sacrifice of their availability for other uses; to a borrower, an opportunity to adjust his indebtedness to daily fluctuations in his need for funds. The largest market for call money in the world is in New York City, where brokers in securities on the stock exchanges are accustomed to finance a large proportion of their dealings through call loans. Smaller call markets of a similar character are found in other financial centers, notably Boston and Chicago, London and Berlin. There is a small market for call money based on acceptances in New York but the principal use of call money by bill brokers occurs in London, where dealings in acceptances form the framework for the short term open money market.

There are three major requirements for a true call money market: the availability of readily marketable collateral as security for call loans; a broad open market to insure their liquidity; and day to day fluctuations in the demand for funds on the part of both borrowers and lenders. Funds on call must be readily available to lenders when they are needed elsewhere. Call money markets, therefore, have developed around securities and acceptances as collateral, both of which can be instantly disposed of, when necessary, in organized markets. The relationship between lenders and borrowers of call money, furthermore, must be impersonal. Call loans do not include demand loans made in the course of established customer relationships. These latter loans are common throughout the banking system of the United States but are not in fact callable on demand since the convenience of the customer, his ability to finance himself elsewhere and his value as a future client must be considered before a loan is called. A broad open market is also necessary for the borrower to have reasonable assurance that he will be able to transfer his loans to new lenders when they are called. For these reasons call money markets are of necessity confined to the larger money centers. The underlying transactions may take place elsewhere but the actual conclusion of the loan must be in central organized money markets, such as New York and London, that are broad in character, impersonal in their relationships.

There must also be a genuine need for day to day loans. There is no accident in the fact that call money is dealt in more extensively in New York than in London. The American commercial banking system consists of thousands of independent unit banks with the consequence that clearing operations between banks are large and are reflected in a rapid shifting of balances from bank to bank. It is a part of the American banking tradition, therefore, for banks to invest a large proportion of their funds in liquid interest bearing assets, such as call loans, that can be converted into cash at short notice. The basis of the demand for call loans from brokers rests on the widespread American custom of carrying securities on margin. Since the bulk of the transactions in the New York security markets is settled on a daily basis, individual brokers have wide day to day fluctuations in their demand for funds.

Practically all call loans in New York are made by, or through the agency of, large banks which are close to the market and in a position to scrutinize and safeguard the collateral. Formerly the call market depended largely on direct loans from these banks, but in recent years it has drawn a great volume of funds from interior banks and from other sources such as corporations and foreign banks. On October 1, 1929, call loans in New York amounted to nearly $8,000,000,000, more than half of which was loaned by others than domestic banks. After the market collapse of 1929 loans from domestic banks again became the chief factor in the supply of call loans. The call market has always been attractive to correspondent banks in New York because they hold large deposit balances from interior banks, which are particularly subject to immediate withdrawal. Prior to the establishment of the Federal Reserve system pressure on the call market was extreme when these deposits were withdrawn, and on occasions when heavy interior withdrawals coincided with an unfavorable gold position call loans became frozen and helped to precipitate a financial crisis.

Day to day fluctuations in call rates are frequently wide and apparently erratic, but the average renewal rate on call loans on a monthly basis is more sensitive than any other money market rate to changes in credit conditions. Any change in the supply of readily available funds is quickly reflected in a flow of funds into or out of the call market, where rates are depressed or raised as the supply becomes adjusted to the demand. Periods of easy credit conditions, therefore, are characterized by a fall in call rates to among the lowest in the money market, and periods of credit stringency by a rapid rise to a position above other rates. Under normal circumstances call rates have found a level close to, but slightly above, the discount rate of the Federal Reserve Bank of New York and below quotations on prime open market commercial paper. These fluctuations are of particular concern to operators in the security markets, partly as an element in the cost of carrying on their transactions and an index of the availability of credit for future operations, but also because they indicate the trend of underlying credit conditions.

Two rates are quoted on call loans at the present time, a renewal rate and a rate for new loans. The new loan rate is the quotation applying to the most recent loan made on the floor of the stock exchange and often fluctuates hourly in response to changes in the supply and demand for funds. To prevent fluctuations in this rate from affecting rates on the whole body of loans a renewal rate is agreed upon daily which is not compulsory but customarily applies to all loans holding over from the preceding day.

WINFIELD W. RIEFLER

See: BROKERS' LOANS; MONEY MARKET; BANKING, COMMERCIAL; NATIONAL BANKS, UNITED STATES; FEDERAL RESERVE SYSTEM; SPECULATION; STOCK EXCHANGE.

Consult: Griffis, Bartow, *The New York Call Money Market* (New York 1925); Owens, R. N., and Hardy, Charles O., *Interest Rates and Stock Speculation* (2nd ed. Washington 1930); Meeker, J. E., *The Work of the Stock Exchange* (New York 1922); Dice, C. A., *The Stock Market* (Chicago 1927).

CALLENDER, GUY STEVENS (1865–1915), American economic historian. His chief contributions are contained in the series of introductory essays which form part of a volume of readings which he edited—*Selections from the Economic History of the United States, 1765–1860* (New York 1909).

He is probably best known for his emphasis on internal improvements as the central theme in American economic development. Accordingly he stressed the building of railroads as a phenomenon of far greater importance than the establishment of textile mills on the eastern seaboard. This attempt at synthesis, however, discloses his weaknesses: his tendency to see things too schematically and to seek simple explanations of complicated series of events, his readiness to ignore institutions not primarily economic and his failure to appreciate the role of ideas in economic development.

The freshness of his approach is more clearly evidenced in stray bits of interpretation and in the questions he asked. Callender saw, for example, that the American labor problem was not the English labor problem transplanted to a new world. Accordingly he looked upon trade unions in early American history as foreign ideas and devices which an enthusiastic people at a time of great social and moral ferment attempted to apply to a "society almost completely free from the ills those devices were designed to cure in Europe." He observed also that the American has turned a large part of his energies into the production of wealth. He wondered why the Anglo-Saxon has developed differently in the United States than in other new countries such as Canada and Australia. He raised a host of questions about the effects of slavery on the North as well as on the South and the reason for its spread in the United States at the very time it was dying out elsewhere. It was this type of question which showed his originality, his interest in the non-European quality of American problems and at the same time his ability to think of America as part of a larger whole.

Helen R. Wright

CALVERT FAMILY, English colonial administrators. The members of the Calvert family, George (*c.* 1580–1632) and his two sons, Cecilius (1605–75) and Leonard (*c.* 1610/11–47), projected the province of Maryland in 1632 and directed its affairs until 1675. George Calvert prepared himself for public life by an Oxford education, a "grand tour" and service as private secretary to Sir Robert Cecil while that statesman was directing the policy of King James. He gained years of experience as legislator in the House of Commons, and as administrator and diplomatist from six years of service as a principal secretary of state. In the face of pending measures for the persecution of the Catholics he became a convert to their faith and resigned the secretaryship. His remaining years, 1625–32, were devoted almost wholly to efforts to found a colony in the New World. Soil and climate defeated him in Newfoundland, where he had planted a colony in 1620 and labored with it until 1629. Protestant opposition confronted him on the south Atlantic coast, but shortly before his death he received the assent of King Charles to the grant of the province of Maryland on terms that revived in his son Cecilius the powers of a great feudal lord and at the same time guaranteed civil rights to the colonists. Cecilius Calvert, who, like his father, was a capable administrator, remained in England to promote emigration to his province and to protect it from Catholic as well as Protestant foes. His brother Leonard administered the government in Maryland under his direction, and while he lacked some of the qualities of leadership he was often discreet and always faithful to his trust. Although both brothers were Catholics, no measures were ever adopted to make Maryland solely an asylum for the persecuted of that faith. Protestants were always welcome, and from the very beginning Cecilius insisted that Catholics give no offense to Protestants. When this policy had been successfully pursued for fifteen years it was embodied in the Toleration Act, which was passed by the Maryland Assembly, April 21, 1649. Until 1638 Cecilius insisted on retaining the sole right to initiate legislation, but in that year his brother persuaded him to yield, and this was the first step in an orderly development of democracy in one of the best governed of the English colonies in America.

Newton D. Mereness

Consult: *The Calvert Papers, nos. 1–3*, Maryland Historical Society, Fund Publications nos. 28, 34–35, 3 vols. (Baltimore 1889–99); Hall, C. C., *The Lords Baltimore and the Maryland Palatinate* (2nd ed. Baltimore 1904); Steiner, B. C., *Beginnings of Maryland, 1631–39*, Johns Hopkins University Studies in Historical and Political Science, 21st ser., nos. 8–10 (Baltimore 1903); Mereness, N. D., *Maryland as a Proprietary Province* (New York 1901); Beard, C. A., and M. R., *The Rise of American Civilization*, 2 vols. (New York 1927) vol. i, p. 59–65.

CALVIN, JEAN (1509–64), leader of the Protestant Reformation in Geneva. He was primarily a theologian and his social thought is in the main a by-product of his religious ideas. Calvin's Protestantism, although thoroughgoing, was differentiated from that of Luther both by his conception of God as the absolute sovereign who while infinitely removed from a wholly sinful world had yet created its every detail for the increase of His glory and by the doctrine of predestination in its most drastic form of the double decree. This theology, while it insisted on salvation by grace not works, shut out mystical contemplation and drove the believer into an active, strenuous life directed toward the realization of Christian ideals of conduct. Calvin's objective conception of religious truth precluded toleration and caused him to retain the ideal of the universal church to which even the unregenerate must be made to conform. The combination of these elements led to the church discipline of Geneva.

From his hypothesis of the immediate dependence of all worldly events on God's will Calvin derived his doctrine of the divine ordination of the principal institutions of society—church, state, property, family. He was thus a strong upholder of authority. The state is coordinate with the church in promoting God's kingdom on earth; the two have a common purpose but different spheres of influence. Underneath his conservative authoritarianism, however, lay a revolutionary principle which after his death was to become of great importance: although a strong defender of passive resistance he conceded that in extreme cases obedience to God's will was an obligation transcending all other duties and abrogating all other allegiances.

The general tenor of Calvin's own system in Geneva was an authoritarian Christian socialism strictly subordinating individuals to the one great aim of increasing the glory of God. But later developments of Calvinism, by bringing out its latent anti-authoritarian tendencies, favored a democratic individualism, tinged, however, as a consequence of the doctrine of predestination, with a conservative anti-equalitarianism. During Calvin's lifetime the civil government in the city-state of Geneva, as represented by the Civil Council, was nothing more than a subordinate body, a coercive agency, for enforcing on the community the strict church discipline promulgated by Calvin and the ecclesiastical committee known as the Consistory. The policy of complete separation of church and state which was later forced upon Calvinism was the result not of any recognition on its part of relativity in religious truth but of the fear of political interference by a more powerful civil authority.

Calvinism, which at the outset found its greatest support in urban centers, was the first of the Reformation movements to recognize the existence of a new economic society characterized by the commercial rather than the mediaeval agrarian viewpoint. Calvin's justification of moderate interest, which hitherto church moralists had condemned, reveals him as among the first to understand the productive functions of capital. Rejecting monasticism Calvin dignified ordinary economic activities by designating them as "callings," as tasks set directly by God. For hedonistic motives to labor he substituted the glory of God and the general good; the economic virtues of thrift and industry he identified with the moral virtues. In no sense did he encourage moral laxity in economic relations. On the contrary, he tried to moralize as never before all phases of social life.

The very rigor of its standards made Calvinism a constructive rather than a hindering force in modern economic development. The idea of "calling" reinforced by the psychological effect of the doctrine of predestination gave a religious sanction to the most strenuous, rational, systematic labor for impersonal ends. Labor thus became a means of serving God and of proving one's own state of grace through ascetic self-discipline. Slothfulness became the deadliest of sins and fear of self-indulgence made the Calvinist a small consumer and a large saver. In Geneva this resulted in an extraordinary system of church discipline, but with the change of emphasis from church to self-discipline it later powerfully furthered the development of individual capitalistic acquisition, especially after worldly success came to be recognized as a token of grace.

Talcott Parsons

Works: *Christianae religionis institutio* (Basel 1536), tr. by John Allen, 2 vols. (6th American ed. Philadelphia 1928). His *Opera quae supersunt*, ed. by J. W. Baum and others, 59 vols. (Brunswick and Berlin 1863–1900) have been partly translated by the Calvin Translation Society, 48 vols. (Edinburgh 1843–55).

Consult: Doumergue, É., *Jean Calvin, Les hommes et les choses de son temps*, 7 vols. (Lausanne 1899–1927); Choisy, Eugène, *La théocratie à Genève au temps de Calvin* (Geneva 1897), and *L'état chrétien calviniste à Genève au temps de Théodore de Bèze* (Geneva 1902); Allen, J. W., *Political Thought in the Sixteenth Century* (London 1928) chs. iv–v; Troeltsch, Ernst, *Die Soziallehren der christlichen Kirchen und Gruppen*, in his *Gesammelte Schriften*, vol. i (3rd ed. Tübingen

1923) p. 509–12, 605–794; Weber, Max, "Die protestantische Ethik und der 'Geist' des Kapitalismus" in *Gesammelte Aufsätze zur Religionssoziologie*, 3 vols. (2nd ed. Tübingen 1922–23) vol. i, tr. by Talcott Parsons (London 1930); Tawney, R. H., *Religion and the Rise of Capitalism*, Holland Memorial Lectures, 1922 (London 1926) p. 102–32; Hunt, R. N. C., "Calvin's Theory of Church and State" in *Church Quarterly Review*, vol. cviii (1929) 56–71; Hauser, Henri, "A propos des idées économiques de Calvin" in *Mélanges d'histoire offerts à Henri Pirenne*, 2 vols. (Brussels 1926) vol. i, p. 211–24.

CALVINISM. *See* PROTESTANTISM.

CALVO, CARLOS (1824–1906), Argentine diplomat, historian and publicist. Calvo's diplomatic achievements were many. He assisted in settling the differences between Buenos Aires and the other Argentine provinces; he helped to bring about an agreement between Paraguay and Great Britain on the Cronstatt question; he played an important part in the famous *Alabama* arbitration; and he made significant contributions to the work of the Congress of Berlin. But the great reputation which he achieved at home and abroad was the result rather of his prodigious labors as historian and publicist.

Calvo's work exhibits a practical historical positivism rather than analytic strength, and it has been said that he is often no more than a compiler. As a historian he is certainly to be classed as a chronicler. But he greatly influenced the development of international law and widened its orbit immensely. He came to represent in international law the Latin American tradition and aspirations. His importance in this connection is obvious from his enunciation of the Calvo Doctrine against the forcible collection of private debts. In general he stood for the principles of arbitration and non-intervention in Latin American affairs. The progressive editions of his classic treatise indicate its increasing scope. His voluminous collection of treaties has taken rank with Dumont's and Marten's, and was largely intended to provide a body of material which might aid in the settlement of Latin American disputes concerning boundaries. Calvo's services to Latin America were formally recognized by the third Pan-American conference, which met at Rio de Janeiro shortly after his death.

Calvo was much influenced by the work of Henry Wheaton, who had brought American claims to international attention after the Revolutionary War, particularly as they related to the rights of maritime commerce. The analogous role of Calvo is evident. He translated Wheaton's *History of the Law of Nations* and through him derived his own historical positivism. It is strange that both these champions of the emerging but hardly established rules of international law should have based their work theoretically upon positivism and attributed so much weight to the "actual usages" of the law of nations.

A. S. DE BUSTAMANTE

Important works: *Colección completa de los tratados . . . y otros actos diplomáticos de todos los Estados de la América Latina desde 1493 hasta nuestras días*, 11 vols. (Paris 1862–69); *Anales históricos de la revolución de la América Latina*, 5 vols. (Paris 1864–67); *Dictionnaire de droit international public et privé*, 2 vols. (Berlin 1885); and his masterpiece, *Derecho internacional teórico y práctico de Europa y América*, 2 vols. (Paris 1868; 5th ed. 6 vols., 1887–96).

Consult: Limantour, José Yves, in Académie des Sciences Morales et Politiques, *Séances et travaux*, vol. clxxii (1909) 689–718; Peralta, Manuel de, in Institut de Droit International, *Annuaire*, vol. xxi (1906) 486–91; *Handbuch des Völkerrechts*, ed. by F. von Holtzendorff, 4 vols. (Berlin 1885–89) vol. i, p. 514–16; Bordwell, Percy, "Calvo and the Calvo Doctrine" in *Green Bag*, vol. xviii (1906) 377–82; Carbia, Romulo D., *Historia de la historiografía argentina*, vol. i– (La Plata 1925–) p. 149–51.

CALVO AND DRAGO DOCTRINES. During the nineteenth century the countries of Latin America were frequently subject to pecuniary claims on the part of foreigners. These claims were based upon injuries received during civil wars, acts of violence, such as false arrest or imprisonment and expulsion, or breach of contracts concluded with the governments. While requiring and seeking foreign investments and immigration the Latin American countries sought to maintain the usual prerogatives of sovereignty; thus they endeavored to find a legal means of preventing the too frequent diplomatic interposition of foreign governments in behalf of their citizens and to deny to foreigners the advantageous status which they had been deemed to enjoy. These efforts were expressed in constitutions, statutes, treaties (where obtainable) and in contracts concluded with foreigners. These instruments all look to the propositions that the foreigner is bound by the local law, that he cannot make claim for injuries arising out of civil war or mob violence under conditions not available to nationals, that in his private litigation he must exhaust his local remedies and establish a "denial of justice" before invoking diplomatic protection, and that in his litigation with the government arising out of concession contracts or franchises he must make the local courts his final forum. Where the system of political administration is such that political outbreaks, disturbances and arbitrary violence are merely spasmodic and fortuitous events and the government is not chargeable with negligence and where the system of judicial administration is such that notorious perversions of justice are exceptional and rare, it may be said that these principles, apart from foreclosing interposition in the event of denial of justice, approximate the prevailing rules of international law.

The whole doctrine of the final jurisdiction of the local courts over the complaints of aliens, with a denial of the privilege of diplomatic recourse, has been called the Calvo Doctrine after a celebrated Argentine jurist who enunciated these views as early as 1868. Calvo maintained that apart from treaty it was contrary to fundamental principles of international law to give foreigners in some countries a more favored position than in others, and that it was an abuse of physical power for stronger states to exact pecuniary indemnity from a weaker state under circumstances which would not allow them to make such claims upon each other. The Calvo Doctrine has in application been commonly restricted to concession contracts concluded between the government and an alien and in this sense has received the name "Calvo clause"; it provides (either in constitutions, statutes or the contract itself) that the foreigner "renounces all right to prefer a diplomatic claim in regard to rights and obligations derived from the contract" or else that "all doubts and disputes" arising under it "shall be submitted to the local courts without right to claim [the] diplomatic interposition" of the alien's government.

As a general rule, a government does not interpose, except by the use of good offices, to bring about the execution of contracts voluntarily concluded by its citizens abroad unless there be established a denial of justice in the foreign courts. Thus interpreted the Calvo clause would be merely confirmatory of international law and unobjectionable. But at times it has been maintained by Latin American countries that the committal to resort to the local courts exclusively and to forego diplomatic protection is without exception or qualification, especially when the committal is given in return for a favor or concession by which the foreigner agrees to consider himself, for the purposes of the concession, a citizen of the local country and to waive his rights as a foreigner, including the right to invoke diplomatic protection. This position, though it has its merits, is not admitted by the United States or by most European countries.

The position of the United States is perhaps best expressed in an instruction of Secretary of State Bayard in 1888: "This government cannot admit that its citizens can, merely by making contracts with foreign powers, or by other methods not amounting to an act of expatriation or a deliberate abandonment of American citizenship, destroy their dependence upon it or its obligations to protect them in case of a denial of justice" (Mr. Bayard, Sec'y of State, to Mr. Buck, Minister to Peru, Feb. 15, 1888, Moore's *Digest*, VI, § 918). Secretary of State Gresham, in interpreting in 1893 a Calvo clause in the Venezuelan constitution, took the position, which the latest arbitral decisions have supported, that the stipulation to resort to local remedies must be carried out, but that it will not excuse a denial of justice—a wrong which would still justify diplomatic interposition (Moore's *Digest*, VI, § 918). This question was submitted to the governments by the preparatory committee of jurists which laid the ground for the Hague Codification Conference of 1930. The replies of the governments (League of Nations, Conference for the Codification of International Law, *Bases of Discussion . . . Drawn up by the Preparatory Committee*, vol. iii, p. 133–35 and supplement) for the most part sustained the views expressed by secretaries Bayard and Gresham, as does Basis of Discussion No. 26 proposed by the Committee of Jurists, a proposition which, however, was not reached for discussion prior to the adjournment of the conference.

There have been twenty-one notable cases involving the validity of the Calvo clause which have come before international tribunals, and in which exhaustive opinions have been written. Ten of these, including the two latest, uphold the binding character of the stipulation to resort to the local courts, whereas eleven have denied the validity of the stipulation. In the main, the latter rest on one or other of the following grounds: that it is beyond the competence of an individual to contract away the superior right of his government to protect him [Rudloff (U. S.) *v.* Venezuela, Ralston 819–41 (1903); Martini (Italy) *v.* Venezuela, Ralston 183, 187 (1903)]; that where the government had annulled the contract without first appealing to the local courts such action relieved the claimant from the stipulation not to make the contract the subject of international claim [Milligan (U. S.) *v.* Peru, Moore's Arb. 1643 (1868); North and South Amer. Const. Co. (U. S.) *v.* Chile, Moore's Arb. 2318–22 (1892)]; that the claim arose not out of the contract itself, but out of some violation of property right, and is based on tort [Selwyn (Gr. Brit.) *v.* Venezuela, Ralston 322, 323 (1903); Rudloff *v.* Venezuela, *supra*].

In the two most recent cases, before the United States-Mexican Commission under the treaty of 1923 and the British-Mexican Commission of 1926, it has been held that the clause made it essential for the foreigner to resort to his local remedies in the first instance and that until he did so he had no standing before an international commission, and this notwithstanding the fact that in certain articles of the treaties of 1923 and 1926, under which the commissions were established, the usual requirement of exhausting local remedies was dispensed with as a condition of the admissibility of a claim [North Amer. Dredging Co. of Texas (U. S.) *v.* Mexico, 20 A.J.I.L. 800 (1926); Mexican Union Railway, Ltd. (Gt. Brit.) *v.* Mexico, 24 A.J.I.L. 388, 394 (1930)]. This interpretation indicates that the effect given to the clause is to emphasize the usual requirement of international law that local remedies must be exhausted (thus canceling in these cases the waiver of the treaty) and that a claim may be admitted only when, after such practical exhaustion, a denial of justice can be established. As thus interpreted the clause represents merely a well established rule of international law, and its utility lies mainly in that it enables the defendant country to rely upon an express stipulation when it insists that local remedies must be employed.

The joint intervention of Great Britain, Italy and Germany against Venezuela in 1902 on the erroneously supposed ground that they were seeking merely to collect unpaid bonds held by their citizens led Luis Drago, minister of foreign affairs of Argentina in 1902, to submit a note to the United States Department of State proposing a policy, intended to be a corollary of the Monroe Doctrine, that "the public debt [of an American state] can not occasion armed intervention nor even the actual occupation of the territory of American nations by a European power" (U. S. For. Rel. 1903, p. 1–5). Drago's protest lay solely against the use of armed force in the collection of public debts and was not directed against diplomatic interposition in general. He also added that he did not intend to make his doctrine a defense "for bad faith, disorder, and deliberate and voluntary insolvency." Drago argued that the purchaser of a foreign bond buys with open eyes and in the price paid takes account of the value of the security, the credit of the debtor government and all the other factors which enter into the bargain. He added that the emission of the loan and bond is an act of "sovereignty," that the creditor knows that payment may be refused or the debt reduced by similar act, that the usual civil remedies are barred and that the state is the sole judge of its ability to pay. He maintained that it is unfair to the people of both states to make this voluntary contract the subject of armed political action involving whole nations and to make the government, in effect, the guarantor of its citizens' bonded investment.

The Drago Doctrine is thus narrower than the Calvo Doctrine, for it relates only to public bonds and decries only armed intervention. There has been a difference of view among European powers and publicists as to the propriety of intervention to collect public debts, though armed force has rarely been used except in cases of bad faith or fraud. The preponderant view is that intervention is not warranted in the event of an honest inability of a state to pay its debts, but only when, with means at hand, there is a wilful refusal to pay; or when foreign creditors are illegally treated, especially if they are discriminated against in favor of national creditors; or if improper preferences are given; or when special funds assigned as security for the debt are arbitrarily diverted to another purpose: in short, when bad faith may be considered the moving cause of the default. Despite this disagreement as to a formal rule, to the extent that law is deducible from practise it may be said that armed intervention is not sanctioned except in cases of bad faith, and even in such cases it has been extremely rare. The Venezuelan interventions had as their foundation a persistent refusal of Venezuela to settle tort claims, and the bonds were drawn in only collaterally and incidentally. The Drago Doctrine is mainly of interest because it calls attention to the political danger and the undesirability of armed intervention on behalf of private claimants of all kinds, not because the evil which Drago feared was particularly notorious.

The Drago note had the effect of inducing the United States to place on the agenda of the Third American Conference of American States at Rio de Janeiro in 1906 and of the Hague Conference of 1907 the consideration of the question of national policy in the pursuit of contract claims. Although it had not been the policy of the United States or of other countries generally to use force to collect contract claims, distinctions between "fraud and wrong-doing or violation of treaties" and "simple non-performance of a contract with a private person" engaged major attention, with the result that the use of force, while deprecated in the latter case, was implicitly and conditionally approved in the former. At The Hague General Horace Porter, for the United States, proposed that the use of force for the collection of contract debts is not permissible until after the justice and amount of the debt, as well as the time and manner of payment, shall have been determined by arbitration. After several amendments, a convention was voted by thirty-nine states, making the use of force conditional upon (1) a refusal by the debtor state to arbitrate; or (2) obstruction by the debtor state of the formulation of a *compromis* after arbitration is accepted; or (3) failure to carry out an award. Perhaps these terms are more definite than "bad faith," or "deliberate and voluntary insolvency." Seven Latin American states made reservations in line with the Venezuelan objection to the convention, to the effect that arbitration should be permitted only in case of a denial of justice after judicial remedies have been exhausted—a proposition entirely sound, for when the debt is not denied arbitration has no purpose. Drago made a reservation on behalf of Argentina, in which he was joined by seven states, that "public loans with bond issues constituting the national debt cannot in any case give rise to military aggression nor to the occupation of the soil of American states."

The Porter Proposition is at once narrower and wider in scope than the Drago Doctrine. In that it actually sanctions the use of armed force in a type of situation in which the United States and most other powers have, as a matter of policy, declined armed intervention, the Porter Proposition is narrower than the Drago Doctrine, which would deny absolutely the use of force, at least in the collection of public bonds. As a definite check upon the use of force in first instance and a public profession of faith in arbitration, it is to be welcomed, for pacific blockades, threats of hostilities and rumors of warlike preparations have a disturbing effect on peace and commerce. The Porter Proposition is wider in scope than the Drago Doctrine in that it applies to all contractual debts and not merely to public bonds. Yet doubts may easily arise as to the meaning of "contractual debts." Bond debts, while not usually presented for payment through diplomatic procedure, have occasionally been submitted to international tribunals, which have generally denied their jurisdiction over them in the absence of express words submitting bond claims for determination.

While thus far neither the Drago Doctrine nor the Porter Proposition has been applied in actual cases which have reached public notice, they may well have been effective in restraining official action, and they have served to call attention to the tendency, too prevalent in the nineteenth century, to use political means to enforce pecuniary legal claims. In limiting the use of such means they constitute part of the movement of the twentieth century either to exert more patience in the diplomatic settlement of such questions or, if unsuccessful, to submit them more readily to international arbitral (judicial) decision. In this respect there is no reason to segregate contract claims, for this sensible means of settlement should be extended to all pecuniary claims. While obligatory arbitration of all such cases is not yet achieved, the tendency is not to resist the movement too strongly. It is still true, however, that those economic conflicts of interest among the nations which are too profound and persistent to be formulated into legal issues or disputes are likely to be more prevalent than ever; and for the adjustment and conciliation of these little if any machinery is available.

EDWIN M. BORCHARD

See: DIPLOMATIC PROTECTION; INTERVENTION; JURISDICTION; PUBLIC DEBT; FOREIGN INVESTMENT; CONCESSIONS; IMPERIALISM; MONROE DOCTRINE; ARBITRATION, INTERNATIONAL; INTERNATIONAL LAW.

Consult: Calvo, Carlos, *Le droit international théorique et pratique*, 6 vols. (5th ed. Paris 1896) vol. i, §§ 204–05, vol. iii, § 1278, vol. vi, § 256; Drago, L. M., "State Loans in their Relation to International Policy" in *American Journal of International Law*, vol. i (1907) 692–726; Borchard, E. M., *The Diplomatic Protection of Citizens Abroad* (New York 1915) p. 308–25, 792–810; Hershey, A. S., "The Calvo and Drago Doctrines" in *American Journal of International Law*, vol. i (1907) 26–45; Scott, G. W. "International Law and the Drago Doctrine" in *North American Review*, vol. clxxxiii (1906) 602–10; Scott, G. W., "Hague Convention Restricting the Use of Force to Recover on Contract Claims" in *American Journal of International Law*, vol. ii (1908) 78–94; Moulin, H. A., *La doctrine de Drago* (Paris 1908); Jiménez y Núñez, V., *La doctrina Drago y la política internacional* (Madrid 1927).

CAMBACÉRÈS, JEAN JACQUES RÉGIS DE (1753–1824), French statesman and jurist. He was born at Montpellier of a family of the *noblesse de robe*. He was successively deputy to the National Convention, member of the Council of Five Hundred, second consul under Napoleon and arch-chancellor of the empire. As a member of the Committee of Public Safety he was interested in legislation and in June, 1793, issued several reports, one of which sought to give natural children the same rights as legitimate ones, while another dealt with adoption. He proposed the jury as a legal institution to deal with civil affairs and drew up two projects for a civil code (August, 1793, and Thermidor, year II). In line with the ideas of his day his projects sacrificed individual and family rights to a despotic state which was founded on equality, which looked to the destruction of parental authority and to the crumbling of patrimonies and which sanctioned the retroactivity of laws. In the Council of Five Hundred he proposed still another plan which was, however, very much milder and made no further progress. In Thermidor, year VIII, he was reinstated on the commission for drawing up a civil code but when his projects were rejected as "contrary to natural equity" he himself abandoned them. He is regarded as the principal author of the Code Civil completed in 1804, although his work on this was in a spirit entirely at variance with his former views, especially as regards the inheritance of property. He resumed his duties during the Hundred Days, was exiled as a regicide in 1816, pardoned by the king and made a duke in 1818.

J. DECLAREUIL

Consult: Lyon-Caen, Charles, "Notice sur la vie et les travaux de Cambacérès" in Académie des Sciences Morales et Politiques, *Séances et travaux* (1927) pt. i, 36–68; Vialles, Pierre, *L'archi-chancelier Cambacérès* (Paris 1908); Aubriet, Antoine, *Vie de Cambacérès* (2nd ed. Paris 1825).

CAMBON, PIERRE JOSEPH (1756–1820), French statesman and financier. As a member of the committee of finance first of the Legislative Assembly and later of the National Convention Cambon practically administered French finances between October, 1791, and April, 1795. Essentially an honest, accurate accountant, he possessed some of the qualities of a great minister of finance. At the cost of popularity he vigorously opposed the expenditures and demands of the revolutionary committees, the spoliation of precious metals from the churches and the abuses in the administration of taxes. In contrast to the steadfastness with which he tried to prevent corruption and waste, Cambon's policy with regard to the assignats was inconsistent and shifting. He was indeed thoroughly aware of the dangers inherent in the excessive issue of paper money and at times did everything in his power to regulate and reduce it. But at other times, as in his reports of April 17–19, 1792, and of February 1, 1793, when he was carried away by his interest in the prosecution of war, he not only sponsored but eagerly urged new issues.

Cambon is best known for his work in connection with the public debt. His famous *Rapport sur la dette publique*, which the Convention accepted on August 24, 1793, provided for the creation of the *Grand Livre*, by which the prerevolutionary debt was to be "republicanized" and consolidated with the new debt. While this act was a political necessity it was accompanied by a repudiation of past interest payments and the conversion of the floating debt into a funded debt. The *Grand Livre* evoked loud complaints from the *rentiers*. It was, moreover, the occasion of clashes between Cambon and Robespierre, who would have been less vehement had he not regarded Cambon as the center of the resistance he encountered in the committees. The defeat of Robespierre brought Cambon's political fortunes to their climax and enabled him to obtain what he had long desired, a decree of complete separation of church and state. But Cambon's record as a member of the Mountain, his sympathy with its survivors and his militarism prevented continued harmony with the Thermidorians. Except for a momentary return to the political stage in 1815, Cambon's career ended with the revolution of 12 Germinal.

MARCEL MARION

Consult: Arnaud, R., *Cambon* (Paris 1926); Marion, M., *Histoire financière de la France depuis 1715*, 5 vols. (Paris 1914–28) vols. ii–iii.

CAMBON, PIERRE PAUL (1843–1924), French diplomat. After serving successively as prefect of the departments of Aube, Doubs and Nord, Cambon was sent out in 1882 as resident general to Tunis. He played a prominent role in the organization of the protectorate, drawing on the British colonial system for guidance. In 1886 he was appointed ambassador to Madrid and five years later was transferred to Constantinople, where at first hand he observed the German policy of peaceful penetration in Asia Minor and where he probably formed the opinions of German *Weltpolitik* characteristic of his later years. Following the Fashoda crisis (1898) Delcassé sent him as ambassador to London, where he remained until 1920. When Cambon assumed charge of the embassy the relations between the two countries were most strained; many Frenchmen had come to entertain the idea of revenge against England rather than against Germany. A hearty advocate of Delcassé's policy, which aimed at an Anglo-French understanding, Cambon may justly be described as one of the great architects of the Entente Cordiale. With dignified patience he studied British psychology and policy, and ably conducted the negotiations leading to the famous understanding of April 8, 1904. When the new entente was subjected to the severe ordeal of the first Moroccan crisis he carried on the discussions regarding eventual English aid for France and paved the way for the military and naval *pourparlers* of 1906 and the following years. From this time on he appears to have exercised a determining influence upon French foreign policy, which was particularly in need of direction because of the instability of the French ministries. He was instrumental in promoting the Anglo-Russian agreement of 1907 and helped steer the entente through the period of the Bosnian and the second Moroccan crisis. During the most anxious period of the first Balkan War he strengthened the entente by securing from Sir Edward Grey a letter (November 22, 1912) in which Grey agreed "that, if either Government had grave reason to expect an unprovoked attack by a third Power, or something that threatened the general peace, it should immediately discuss with the other whether both Governments should act together to prevent aggression and to preserve peace, and, if so, what measures they would be prepared to take in common." On the basis of this correspondence Cambon worked to bring about the immediate intervention of England in the great July crisis of 1914. With remarkable diplomacy he succeeded in leading Grey along the desired road. He remained in England throughout the World War, obviating difficulties and misunderstandings between the Allies. Cambon was the leading figure in that remarkable triumvirate of diplomats of pre-war France of which his brother Jules and Barrère were the other members. While Cambon's influence upon French policy cannot always be determined, he assuredly deserves a preeminent place in the history of French diplomacy.

William L. Langer

Consult: Julien, Eugène, "Notice sur la vie et les travaux de M. Paul Cambon" in Académie des Sciences Morales et Politiques, *Séances et travaux, compte rendu* (1929) pt. i, 177–217; Charles-Roux, François, *Trois ambassades françaises à la veille de la guerre* (Paris 1928) ch. i.

CAMDEN, WILLIAM (1551–1623), the most important English historian and antiquarian of the Elizabethan period. His *Britannia* was mainly responsible for the firm establishment about 1650 of the true outlines of English history prior to 1485. He produced the first scholarly edition of several of the early chronicles and diligently collected materials on English history, genealogy, topography and numismatics, which today form part of the important Cotton Mss. in the British Museum. He was an influential member, and perhaps the founder, of a society of antiquaries to which several later groups trace their origin. Through Cotton, Selden, Coke and others he provided much historical information used by the Commons in their struggle with the crown. He endowed a readership in history at Oxford, taking thereby a pioneer step in the development of history as an independent discipline. As early as 1581 his scholarship attracted continental attention, and he furnished information about England to the French jurist Brisson, the geographer Ortelius and the French historians De Thou and Dupuy. Camden was also a notable educator. He was for many years master at Westminster School, wrote a Greek grammar for secondary schools (1597), used until the nineteenth century, and played an important part in the revival of the study of Anglo-Saxon.

Roland G. Usher

Important works: *Britannia* (London 1586, new ed. by author 1607), tr. by P. Holland (London 1610; 4th ed. 2 vols., 1772), and by R. Gough (from the 1607 edition, 3 vols., London 1789), the second edition of the latter (4 vols., London 1806) including an extended biography of Camden; *Epistolae*, ed. by Thomas Smith with a life of Camden (London 1691).

CAMERALISM. The term cameralism is applied to the associated political ideas gathered about the centralizing practises and tendencies in administration, finance and economic policy which characterized the absolute monarchy in Germany and Austria around the middle of the eighteenth century. The term also designates the system of political sciences of the same period which placed itself at the service of the absolute monarchy and attempted to work out a systematic account of the functioning of the various administrative services as a basis for the training of public officials.

Cameralism is properly the German and Austrian variety of mercantilism. What differentiates the mercantilism of these two countries from the mercantilist systems of other parts of Europe is the circumstance that only in Germany and Austria did internal political consolidation coincide with the introduction of mercantilistic policy. The process of unification of political elements which had been financially, legally and economically separate started in Prussia under Frederick William I and its effects were still evident in Austria in the attempted reforms of 1748 under Maria Theresa. This process was characterized by centralization of administration, liberation of industry from guild organization, the creation of uniform municipal law and the formulation of a mercantilistic economic policy. In Austria in particular absolutism was inaugurated by the centralizing of administrative law. The most important stage in the development of the process was the centralization of financial legislation. The essential features of this reform were the issuance of tax ordinances valid throughout Austria, the designation of agencies of the central government for the collection of these taxes and the reorganization of the royal exchequer as a national treasury for the whole empire.

Cameralism falls into two distinct phases of development if we exclude, as we properly should, the juristic tax literature of Bornitz, Besold and Klock, which limits the function of the state and consequently stresses the question of the justice and the legality of imposing taxes. The all embracing state interventionism of the mercantilistic system and more specifically of cameralism excludes the question of justice, maintaining the position that no limits upon the public revenue can be fixed. To the first phase of cameralism belong the three great political economists of the time of Leopold I, Becher, Schröder and Hornick, in whose writings the different aspects of cameralism appear with varied emphasis. Becher concentrates on the internal political and economic relations of the three states, Schröder advocates absolutism in the form of the monarchical state, while with Hornick the idea of the collective Austrian state occupies the foreground. In its second phase cameralism was developed and systematized as a political science through the rise of administrative science, a development characterized by the establishment, under Frederick William I, of the first university chairs in cameralism (Dithmar in Frankfurt a. Oder and Gasser in Halle a. Saale). Among the forces which forged the concept of administration and transformed early cameralism into administrative science was the problem of handling the vastly increased range of activities of the rising paternalistic state. Other forces operating in the same direction were the increasing powers of the central administrative departments and the constant extension of state interference in the life of society, which brought into the foreground the question of the justice of that interference. The stratum of autonomous associations, such as the guilds, which had stood between the subject and his ruler, had been abolished. Ruler and people now confronted each other directly and a new definition of their reciprocal relations had to be worked out. More and more attention was given to the problem of justifying the steady expansion of state intervention. To this end the doctrine of natural rights was drawn upon.

What characterized the German natural rights doctrine was not the concept of individual freedom but that of the union of wills, the origin of the general will of the state in the joining together of individual wills in the social compact. The natural rights concepts of transferability and alienability of powers afforded a basis for the juristic and political relations of ruler and people. These relations were conceived of as those of mandatory and mandator. Every exercise of power on the part of the ruler could be linked up with his legal position as mandatory. This doctrine of natural rights as developed by Pufendorf formed the theoretical basis of enlightened absolutism, the classical justification for the doctrine of the paternal state. The doctrine was further developed by Thomasius and Wolff. To stake out the limits of state power so as to provide legal sanction for state intervention was the task that fell to the natural rights jurisprudence; the duty of cameral science was to supply the positive content for these occasions of intervention and to systematize the ever increasing number of state tasks.

The most distinguished representatives of later cameralism are J. H. G. von Justi and Joseph von Sonnenfels. The cameralistic doctrines of both are founded on natural rights theories of the state. For them the object of the state is one of eudaemonistic utilitarianism, the general happiness of the subjects. In their economic theory the cameralists lay chief emphasis upon increase in population. The food supply and the population vary in direct relation with each other. Increase in the national wealth is to be attained by enlisting additional labor; hence aliens are to be attracted to the state by tax exemption and subsidies. In contrast to the mercantilism of the west, German cameralism stresses not so much commercial expansion as industrial centralization. The balance of trade theory is applied to the doctrine of population as a balance of employment. By freedom of trade is meant the abolition of state price control, monopolies, trade associations and privileges.

Cameralistic tendencies and technique predominated in Germany until far into the nineteenth century. Cameralism relaxed its hold only under the influence of Adam Smith's doctrines, which were spread through Germany by Jakob, Soden and Hufeland. Important in this connection also is the transformation which the German natural rights theory of the state suffered under Kant. Yet even Rau, whose strenuous advocacy of free trade bears the stamp of Adam Smith, shows evident cameralistic influence in his organization of the subject matter. Traces of that influence are also visible in the all inclusive administrative doctrines of Lorenz von Stein.

Cameralism as the science of administration especially helped to develop those branches of learning that are useful in state administration. Thus statistics, valuable for census purposes and for a grasp of foreign trade, began as a branch of the cameral sciences. The sharp distinction between fiscal science and public finance goes back to cameralistic influences.

The common factor underlying all cameralistic systems, the earlier as well as the later, is their close relation to the state. Criticisms of cameralism in economic literature center in this relation. While W. Roscher adhered to an economic interpretation of cameralism, Lorenz von Stein made clear its significance for political science in general and Marchet worked out the administrative ideas in the cameralistic system. Albion W. Small conceived of the cameralists in broader terms, as political scientists. Axel Nielsen stressed the cameralistic theory of the state. Zielenziger tried to distinguish clearly between the ideas of mercantilism and cameralism. Louise Sommer devoted herself to the question whether cameralism, or mercantilism, can be regarded as a scientific system. There is no such procedure in cameralism as a conscious resort to any fundamental theoretical code of principles which is conceived of as the basis of the whole movement, as is the case with the physiocracy in its dependence on Quesnay's *Tableau économique*. The unifying principle in cameralism does not lie in conscious intellectual relations which would permit one author to build upon another while developing his own particular contribution. And yet the question of whether cameralism has any theoretical content, hence whether it deserves to be called a system, must be answered with a decided affirmative. The dogmatic content is not to be sought primarily in the developed theory. Cameralism is simply a historical system, which assumes unitary form only in retrospect by virtue of its consistent interpretation of the trends of thought and the values of its age. The principle which operates to make of it a system lies not in a conscious theoretical foundation but in a harmonious group of unconscious reactions having an essentially political orientation. This orientation is at the same time of decisive importance in determining the formulation of the particular economic doctrines. The condition making for system building is the fact that the problem of the rising state is the focus of cameralistic interest. In their more or less primitive speculation on social phenomena the cameralists consistently looked upon the state as the ultimate social reality. The period was one in which scientific division of labor and specialization had been barely attempted, in which political economy in its early, cameralistic beginnings was treated in connection with theories of the state, ethics, philosophy and natural science. In these circumstances a sharp differentiation of spheres and methods of thought could hardly be expected. Cameralism is interpenetrated by elements of other sciences, especially of those disciplines which had the greatest significance in that day, the theory of the state and the natural sciences, which were then beginning to flourish.

LOUISE SOMMER

See: MERCANTILISM; ECONOMICS; ECONOMIC POLICY; ADMINISTRATION, PUBLIC; PUBLIC FINANCE; STATE; NATURAL RIGHTS.

Consult: Roscher, Wilhelm, *Geschichte der Nationalökonomik in Deutschland* (Munich 1874) p. 228–35, and "Die österreichische Nationalökonomik unter Kaiser Leopold I" in *Jahrbücher für Nationalökonomie und Statistik*, vol. ii (1864) 25–59, 105–22; Small, A. W., *The Cameralists* (Chicago 1909); Nielsen, A. E. H., *Die Entstehung der deutschen Kameralwissenschaft* *im 17. Jahrhundert*, tr. from the Danish by Gustav Bargum (Jena 1911); Zielenziger, Kurt, *Die alten deutschen Kameralisten*, Beiträge zur Geschichte der Nationalökonomie, no. 2 (Jena 1914); Sommer, Louise, *Die österreichischen Kameralisten in Dogmen geschichtlicher Darstellung*, 2 vols. (Vienna 1920–25); Stein, Lorenz von, "Zur Geschichte der deutschen Finanzwissenschaft im 17. Jahrhundert" in *Finanz-Archiv*, vol. i (1884) 1–44; Schmid, Ferdinand, "Über die Bedeutung der Verwaltungslehre als selbständiger Wissenschaft" in *Zeitschrift für die gesamte Staatswissenschaft*, vol. lxv (1909) 193–223; Marchet, Gustav, *Studien über die Entwicklung der Verwaltungslehre in Deutschland* (Munich 1885).

CAMERON, ANDREW CARR (1834–90), American labor leader. Cameron's career epitomizes the rising national labor movement in the United States from the Civil War until the late seventies. His militant independent editorship of the *Workingmen's Advocate* (Chicago 1864–77), the official organ first of the Chicago Trades Assembly and later of the National Labor Union, made it not only the leading labor journal of the period but one of the few bright records in the history of the American labor press. This weekly periodical, with its nation wide circulation, not only reflected the temper of American labor—its advocacy of independent political action, of producers' co-operation, of the eight-hour day, of an alliance of industrial with agricultural labor and, during the post-war depression, of "greenbackism"—but did much to clarify and popularize these issues.

Cameron was prominent also in the Chicago typographical union; in the Chicago Trades Assembly, of which he was president for four years; as president of the Grand Eight Hour League; as an organizer of the National Labor Union; and as American delegate to the Fourth Congress of the International Workingmen's Association at Basel in 1869, where he claimed to represent 800,000 organized workers.

The outstanding emphasis of his *Address of the National Labor Congress to the Workingmen of the United States* (Chicago 1867), a comprehensive survey of his own social program, was on independent political action. When in the late seventies labor party agitation began to yield again to an interest in direct economic and industrial action Cameron's influence gradually declined.

CARA COOK

Consult: *History of Labour in the United States*, ed. by John R. Commons and others, 2 vols. (New York 1921) vol. ii, and *A Documentary History of American Industrial Society*, 11 vols. (Cleveland 1910) vol. ix.

CAMORRA was a secret society which originated and operated in the province of Naples; in its last stage it was described as the "greatest criminal organization in the world." From 1820 until its extinction in 1922 the Camorra, while identified with the lowest stratum of Neapolitan life, had periodic contacts with the upper classes not only in Naples but also in other parts of the peninsula. It cannot be dissociated from the regime of the Spanish Bourbons, who suppressed every popular political expression, or from the succeeding reign of the house of Savoy. Its changes in organization and character more or less reflected such events as the abortive Carbonari revolution of 1820, the revolt of Young Italy in 1843, the local repercussions produced by the Sicilian revolution of Ruggiero Settimo and the drastic prosecutions of members of the Società Unita Italiana in 1848, the advent of Garibaldi followed by the evacuation of the Bourbons in 1860, the absorption of Naples by the kingdom of Italy in the following year and finally the World War and the rise and dominance of Fascism. More intimate influences in shaping its destinies were the illiteracy and idleness general in Naples, a land in which bare subsistence may be obtained with no great effort.

The Camorra was first heard of as a movement for organized protection among released political offenders who in 1830 established themselves in the city of Naples. The more criminal elements associated with the organization formed gangs which preyed upon the unprotected in the ill governed city or, for a consideration, offered immunity. This society's smuggling activities brought it into contact with the predatory authorities, both civil and ecclesiastic. High personages paid for crimes committed for their benefit or for immunity and the police often employed the society to expose non-Camorrist crimes. The Camorra "taxed" officials holding lucrative positions and secured large revenues from brothels, gaming establishments and illegal lottery bureaus. It probably reached the acme of efficient organization between 1830 and 1848. There was evolved a curious ritual of initiation with tests of courage and loyalty, oaths sworn on pistol, dagger and poison and penalties for infringement, ranging from maiming to death; there were signs for secret communication and a special vocabulary. The members served novitiates before they were assigned or permitted to undertake major crimes. There was a "lower" or *bassa* Camorra and a "higher" or *alta*. The latter was the governing body and maintained secret affiliations with the authorities and influential persons.

The withdrawal of the constitution of 1848 brought the society into politics. In 1851 the administration of Ferdinand II employed *basisti* spies for the apprehending of political prisoners; Gladstone estimated the number of political prisoners at the time as between fifteen and twenty thousand. Under Francis II the court camarilla attempted to suppress the Camorra. In reprisal the society transferred its allegiance to the Garibaldi Committee and was an important factor in driving out the Bourbons in 1860. Its services were accepted for a time by the new provincial government under the crown of Italy as an auxiliary of the police, but it soon got out of hand and in 1862, 1877 and 1899 determined efforts were made to suppress it. The report made in 1901 by a royal commission of inquiry brought into being an "Honest Government League" in Naples which succeeded in having all Camorrist candidates defeated at the provincial and municipal elections and considerably lessened the Camorrist influence in the *mala vita*, or underworld. Though serious and disinterested publicists wrote that the Camorra was no more, evidence of its presence periodically came to light and the number of unpunished crimes continued to increase.

In the summer of 1906 the murder of a couple named Cuocolo took place. Both husband and wife had the reputation of being *basisti* of the Camorra; both were suspected of working with the Questura, or municipal police. For a variety of reasons the government at Rome was anxious to bring about reform in Naples and hence undertook a secret investigation which lasted five years. After a trial of sixteen months (March 11, 1911, to July 8, 1912) at Viterbo thirty of the accused were convicted. The constant rulings of the presiding judge to confine the procedure to the Cuocolo murders per se and to circumstantial evidence, the persistent manner in which evidence indicting the society itself was disallowed, constant warnings given the prosecution by the bench and subsequent action against witnesses showed that the Camorra still had its protectors in high places. In spite of the fact that the leaders of the society were in prison the Camorra was in a fair way to restoration before the World War. After the war the activities of the Fascist organization absorbed its energy and operated to check its recovery.

In social, political and criminal history the Camorra is unique. It is doubtful that it ever, as an organization, exerted any measurable influence outside of Italy, although the murder of a New York lieutenant of police at Palermo in 1909 by members of the Sicilian Mafia was very probably instigated by Alfano, head of the organization, in revenge for his deportation from New York.

WALTER LITTLEFIELD

See: SECRET SOCIETIES; GANGS; LAWLESSNESS; TERRORISM; BRIGANDAGE; MAFIA.

Consult: Monnier, Marc, *La camorra* (Florence 1862); Villari, Pasquale, *Lettere meridionali ed altri scritti sulla questione sociale in Italia* (2nd ed. Rome 1885); Umiltà, A., *Camorra et mafia* (Neuchâtel 1878); Alongi, Giuseppe, *La camorra* (Turin 1890); Blasio, A. de, *Usi e costumi dei camorristi* (2nd ed. Naples 1897); Heckethorn, C. W., *Secret Societies of All Ages and Countries*, 2 vols. (new ed. London 1897); Serao, Ernest, "Truth about the Camorra" in *Outlook*, vol. xcviii (1911) 717–26, 778–87; Anon., "Camorra in Modern Italy" in *Edinburgh Review*, vol. ccxiv (1911) 379–96; Russo, F., and Serao, E., *La camorra* (Naples 1907).

CAMPAIGN, POLITICAL.

Within the general framework of similarity shared by all democratic institutions, the organization and conduct of political campaigns vary from country to country. The system of government of itself produces certain variations. Thus the cabinet system, with its ever present threat of surprise elections, requires a more continuously functioning campaign machinery than does the congressional system. Within each of these two major types, furthermore, variations will occur which are traceable to the political psychology and tradition of the people. Thus campaigns in England differ from those in France, campaigns in the United States from those in Latin American countries. American phenomena may, however, fairly be regarded as typical. Since it was in the United States that the experiment with democracy began, some decades in advance of European countries, it is here that we should expect to observe party processes which, by reason of greater maturity, have something like universal significance. The presidential campaign, occurring at four-year intervals and bringing into play all the elements of party organization and strategy, affords the best means of approach to American practise.

A political campaign, like a military campaign, requires organization. There must be a general staff responsible for preparing plans and coordinating effort, a chief of staff who directs operations and a hierarchy of commissioned and non-commissioned officers who transmit orders to the rank and file. Democracy involves the cooperation of millions in a common enterprise; and the parties, seeking to mobilize and regiment the vast electorate, must set up machinery appropriate to their task. This machinery assumes in the United States the form of a pyramid, with the national committee at the apex and the mass of party members, segregated in precincts or election districts, at the base. Until late in the twentieth century it existed solely by virtue of party action and lay outside the domain of law. Today the national agencies still retain that voluntary character; Congress has not attempted, and probably has no power, to regulate them. But within the several states the situation is very different. Primary laws define party, lay down the conditions of party membership, describe the composition of state and local committees, the way in which they shall be chosen and, in general language, the functions which they shall perform. Such regulation by statute—even though rudimentary in some states, particularly in those of the solid South—stands out as a characteristic feature of American politics.

Party organization in the United States begins with the precinct or election district, the smallest political division of the state. Here, as a rule, the party members choose at the primary an executive officer who serves as a link between the upper ranges of the organization and the individual voter. Above this officer are numerous committees, corresponding to the more important electoral areas—assembly districts, counties, senatorial districts—and, since the control of these depends upon what happens in the various precincts, he must swing the primary vote. His own political life is at stake. He wins success by tireless effort, by getting to know all the party adherents, their business interests, their tastes and inclinations, their vulnerable spots. The really important committees are those of the county and the state; in larger cities, because of the density of population, the ward is interposed between precinct and county as a base of major operations. In three fourths of the states the county committee consists of the precinct leaders. The county chairman, who has access to an extensive patronage in the form of public offices and contracts, may become a dominant figure, holding his place over a long period and wielding the authority of a benevolent despot; or he may be merely the henchman of a county boss who works behind the scenes. The state central committee sometimes stands in a truly hierarchical relation to the committees below, its members consisting, for example, of the congressional district chairmen. More often the members are chosen at the primary or state convention and thus have an independent origin. Even so, the necessity for some concentration of power in the management of party affairs and the conduct of campaigns gives the committee great prestige as long as the party is united and harmonious. Its chairman, however, is seldom more than the titular head of the party organization. Effective leadership commonly rests with the governor, a United States senator or a crack politician who holds no office; and his authority permeates the complex mechanism from state committee down to precinct executive.

The national committee consists of a man and a woman from each of the states, territories and insular possessions. It is elected by the national convention late in June of the presidential year; and, since the convention does in fact merely ratify the choice of the various state delegations, which in their turn are instructed by the state committees, national party organization is in a measure derived from state party organization. Close and cordial cooperation between the two is insured in other ways. In the presidential year public interest centers upon the struggle for possession of the chief magistracy. Every other campaign takes its tone from the presidential campaign; every other candidate finds his fortunes involved in those of the presidential candidate. Moreover the national committee wields a sort of financial hegemony, exhausting sources of supply in the collection of its campaign fund and thus making the state committees somewhat dependent upon its largess. These circumstances have a still greater effect in subordinating the congressional and the senatorial campaign committees, which are concerned respectively with the election of representatives and senators. Tradition has established the right of the presidential candidate to name the chairman of the national committee. This arrangement gives the victorious faction, when there has been a bitter contest for the presidential nomination, some security against sabotage; it insures an intimate, confidential relationship between the candidate and the man who manages his campaign. The candidate may reserve to himself the final word in matters of high strategy, as did Roosevelt in 1904 and Coolidge twenty years later; usually, however, he stands aside. The chairman, absorbing the powers of the committee, exercises an almost autocratic authority. He does, of course, confer with the candidate and his executive committee; he requests and takes advice from many quarters. But rapidly shifting situations in a campaign do not permit the delay that is involved in seeking a collective decision.

The national party convention selects the candidates and adopts a platform, a long document which surveys the whole field of national politics and makes pronouncements upon a great variety of questions. Now and then it sounds a clear note upon some paramount issue. Usually it bears the marks of artifice, ambiguity and dexterous evasion. Its anaemic character reflects the very essence of the democratic principle. The party is a vast combination of voters brought together upon a common ground by mutual concessions and by the harmonizing of group and sectional interests. Each separate element must be ready to make sacrifices, abandon extreme claims and adjust itself to the average sentiment. What satisfies no particular group may give tolerable satisfaction to the party as a whole. Toward the middle of August the presidential candidate delivers his speech of acceptance. He gives precision to the vague language of the platform. Having observed the trend of opinion, he emphasizes one declaration, tones down another and perhaps commits himself and the party upon some issue which the convention has overlooked or ignored. The people give ear. They are now listening to an authentic voice. Indeed, they are coming to regard the candidate rather than the convention as the responsible expositor of policy and principle.

The national chairman, capitalizing popular interest in the opinions and personality of the candidate, always gives him as much prominence as possible in the campaign. The methods vary. Coolidge in 1924 made no political speeches; like McKinley in 1900 he felt that a president seeking reelection should hold himself aloof from partisan controversy. Nevertheless, his personality, as presented to the electorate by the most ingenious propaganda, became the chief Republican asset. Harding, like McKinley in 1896 and Wilson in 1916, spoke frequently from the front porch of his Marion home. The front porch campaign has many advantages; the candidate preserves his dignity and his physical wellbeing; his speeches are prepared with deliberation and so escape incoherence and mere repetition; the newspapers, receiving advance copies, print them in full. On the other hand, the swing around the circle, with hundreds of speeches from the rear platform of a train, gives millions of people the chance to see the candidate in flesh and blood, hear the actual tones of his voice and become acquainted with his personality. This method of campaigning began with Bryan in 1896. It continued with Roosevelt, Taft, Hughes and Cox. At present, however, it is condemned by political experts for, as the candidate succumbs to the perpetual strain, his speeches steadily degenerate in quality, and press representatives find little copy in the improvisations of a tired mind, incapable of generating fresh ideas. In the campaign of 1928 a new factor was introduced. Both parties used the radio as a means of circulating through the whole nation the proceedings of the conventions, the speeches of acceptance and the speeches of the candidates during the campaign. The Democrats spent nearly $600,000 for this purpose, the Republicans nearly $500,000.

Speech making is not, of course, confined to the candidates. The national committee sends out ten or fifteen thousand speakers, the local committees a much greater number. There is a terrific deluge of campaign oratory. It descends upon a small street corner gathering from the tonneau of an automobile and upon the great throng that packs a city auditorium. It inundates the whole community from the columns of the press and from the loud speaker of the radio. Mass meetings, preceded, it may be, by parades or other colorful demonstrations, appeal to the emotions still more than to the intellect. They generate or confirm enthusiasm among the rank and file of party adherents. Missionary work for the conversion of important groups—sectional, economic, racial, religious—goes forward at the same time. According to the particular state, success may depend upon the attitude of the dairy farmers, or the Negroes, or the Mormons. Indeed, the electorate is composed of interest groups rather than of individuals; and in approaching these groups infinite care must be taken to select the right kind of gospel and the right kind of missionary. In one case the speaker must show that the tariff on raw wool does not affect the profits of the woolen cloth manufacturer; in another he must dexterously fan the flame of prejudice and bigotry. There is danger in the appeal to base emotions, however, and in the attempt to besmirch a candidate by innuendoes and whispered aspersions upon his private life. The spirit of fair play runs strong.

As an instrument of publicity the printed word is, perhaps, more influential than the spoken word. At any rate, the newspapers play a most important role. Many newspapers attach themselves to one of the major parties and give willing support throughout the campaign. Others, normally independent, take sides because the candidate or his policies attract them. The press bureau at party headquarters, whose business it is to supply ammunition, varies the character of its services with the type and importance of the newspaper. Skilful writers turn out news items, articles, editorials. Latterly a great deal of attention has been given to advertising; a paid advertisement carries propaganda into neutral or hostile territory, which the free publicity of party organs will not do. The billboards were used effectively for the first time in 1916, when the Democrats displayed the slogan, "He has kept us out of war," along with the picture of a happy home in peace. Four years later the Republicans gave currency to the slogan, "Let us be done with wiggling and wabbling." While the press is the most effective medium of propaganda, party managers set great store by pamphlet literature, centering upon the outstanding issues and the career of the presidential candidate. These numerous pamphlets, varying in size from four pages to eighty or even more, are printed and distributed in enormous quantities and at great expense. The most interesting publication of the national committee is the campaign textbook, a volume of four or five hundred pages for the aid of party workers and journalists.

The effort of the campaign is not spread evenly over the country. In certain areas, where one party or the other has an assured predominance, no serious contest occurs. It is the doubtful states that become the theater of active operations. From them the candidates are chosen; for them the issues are defined; in them the fighting forces are concentrated. The national chairman, trying to estimate the drift of popular sentiment in these doubtful areas, must have accurate information. Reports will be laid before him from every precinct captain in a given state, showing whether more energetic measures are required. There may be a second elaborate canvass of the voters, perhaps even a third, in order to see how well the new drive is succeeding.

The various instruments of publicity—advertising, radio broadcasting, printing and distributing literature—entail heavy expenditure. We have no means of reaching an accurate computation of the aggregate cost to the major parties. The available figures show only what the national and state committees have spent, which in 1928 amounted to $16,500,000 for Republicans and Democrats together. The expenditures of local committees and individual candidates must likewise reach a gigantic sum. Aside from the assessments laid upon office holders and candidates for office, the party funds are derived from voluntary contributions. Toward the end of the last century big business began to furnish enormous subsidies, often with the purpose and expectation of influencing public policy. This interested generosity has been curtailed by legislation. In order to allay popular suspicion the national committee has at times put a limit upon the size of individual subscriptions and relied upon collecting small sums from the great mass of party adherents. The outcome has not been encouraging. Latterly the source rather than the size of a check has been the important consideration; money is welcome in any amount so long as it is not tainted and comes without any implied obligation attached to it. In 1928 one Republican contributed $172,000; three Democrats more than $100,000 each. On the other hand the number of individual contributions went beyond any previous record: 145,000 in the case of the Republicans and 90,000 in the case of the Democrats.

How should the campaign be appraised from the standpoint of social values? In the first place it is a necessary incident of democratic politics, an inevitable corollary of the democratic system of election; and convinced democrats regard it, with something more than complacency, as a means of popular education. The people put aside other interests, give all their attention to the prolonged debate on public affairs and prepare to announce their solemn verdict. The campaign emphasizes civic virtue and civic responsibility. According to the skeptics, however, it appears as a colossal travesty, as a calculated effort to bamboozle the great mass of standardized mediocrity. The poison gas of propaganda overpowers judgment and blunts sensibility. At the end the bewildered voter staggers blindly into the polling booth, incapable of making any rational decision. Both these views are mistaken; for both exaggerate the effectiveness of the campaign. There is, at least, reason to believe that the results are quite disproportionate to the cost in money and energy.

The voter's interest in politics is not altogether spasmodic; he does not suspend judgment and wait for the campaign to enlighten him. His attitude toward the parties, if not grounded securely on interest or prejudice, takes shape gradually under the impact of political events. The *Literary Digest* poll, accurately forecasting the outcome of the elections in 1924 and 1928, helped to burst the iridescent bubble of campaign oratory and literature. It does seem that the party appeal can be effective only if it is continuous—culminating, not beginning, in the period just before the election.

EDWARD MCCHESNEY SAIT

See: ELECTIONS; PRIMARIES, POLITICAL; CONVENTIONS, POLITICAL; PARTIES, POLITICAL; PUBLIC OFFICE; MACHINE, POLITICAL; SPOILS SYSTEM; POLITICS; CORRUPTION, POLITICAL; NON-VOTING; CABINET GOVERNMENT; CONGRESSIONAL GOVERNMENT; COMPROMISE; OPPORTUNISM; PUBLIC OPINION.

Consult: Ostrogorskiĭ, M. I., *La démocratie et l'organisation des partis politiques*, 2 vols. (Paris 1903), tr. by F. Clarke (New York 1902) vol. i, pt. iii, chs. i–iv, vol. ii, pt. iv, ch. iv, pt. v, chs. iv–v; Bryce, James, *The American Commonwealth*, 2 vols. (new ed. New York 1910) vol. ii, chs. lxxi–lxxiii; Sait, E. M., *American Parties and Elections* (New York 1927); Kent, F. R., *The Great Game of Politics* (New York 1923), especially p. 103–48, 195–270; Pollock, James K., *Party Campaign Funds* (New York 1926); Sait, E. M., "Campaign Expenditures" in *American Political Science Review*, vol. xxiii (1929) 47–58; United States, Senate, 70th Cong., 2nd Sess., Special Committee Investigating Presidential Campaign Expenditures, *Presidential Campaign Expenditures . . . Report*, Senate Report 2024 (Washington 1929); Lowell, A. L., *The Government of England*, 2 vols. (new ed. New York 1912) vol. i, ch. x, vol. ii, chs. xxxi–xxxii, xxxiv; Buxton, C. R., *Electioneering Up-to-Date* (London 1906); Brooks, Sydney, "English and American Elections" in *Fortnightly Review*, n.s., vol. lxxxvii (1910) 246–56; Bodley, J. E. C., *France* (new ed. London 1899) bk. iii, ch. ii.

CAMPANELLA, TOMASO (1568–1639), Italian philosopher. He was one of those who represented in greatest degree the tragic struggle of the Italian Renaissance between the mediaeval and the modern, a struggle of opposing forces both in the outer world and within the mind. Testimony of this conflict is afforded by the wretched thirty-years imprisonment inflicted upon Campanella on the charges of heresy and of conspiracy; it is further revealed in the contrast between his naturalistic-gnosiological ideas, wherein he followed Telesio and Galileo and anticipated Descartes and Leibnitz, and his belief in magic and astrology; between his affirmation of natural religion and his adherence to the Counter-Reformation; between his defense of natural right and the mediaeval conception of his theocratic utopia.

According to Campanella's social philosophy all beings are united by the bond of natural religion. The latter is immanent in every creature as the instinct for self-preservation, which is at the same time the instinct to unite with the supreme principle. The form which natural religion assumes in man is the compulsion of natural right, of universal brotherhood, of striving toward godhead. Proper understanding of the nature of man must become the basis of politics if the latter is to be transformed from art into science. In the human instinct for self-preservation, which Machiavelli regarded as the source of nothing but egoism, evil and war, Campanella saw the force engendering the need for union and law and the impulse to conform to eternal natural law. This harmony of politics and ethics is the theme of Campanella's two utopias: the universal theocratic monarchy described in *Monarchia di Spagna* (Amsterdam 1640) and other works and the communistic *Città del sole* (first published as *Civitas solis, idea reipublicae platonicae* in *Realis philosophiae epilogisticae*, Frankfort 1623). Both of these works appear in the complete edition of Campanella's writings by d'Ancona (Turin 1854).

Like the utopias of More and other Renaissance writers the *Città del sole* owes much to Plato's *Republic*; it owes still more to contemporary accounts of the Incas and to the example of religious communities such as those founded by the Anabaptists and by Catholic missionaries. To community of goods Campanella added that of women. He subjected all social life—economic, sexual and educational—to stringent regulation. It is significant that he animated his whole community with the conceptions of natural right and equality.

RODOLFO MONDOLFO

Consult: Blanchet, L., *Campanella* (Paris 1920), with bibliography; Mattei, Rudolfo de, *La politica di Campanella* (Rome 1927); Croce, B., *Materialismo storico ed economia marxistica* (4th ed. Bari 1921) ch. viii; Treves, Paolo, *La filosofia politica di Tomaso Campanella* (Bari 1930).

CAMPBELL, ALEXANDER, nineteenth century British trade unionist. He was early a follower of Robert Owen and in the thirties edited Owenite journals in Glasgow. He attempted to form a general union along Owenite lines and was also secretary of the Glasgow joiners' union in the thirties as well as founder of a new union of joiners in 1856. Two years later he became the virtual founder of the Glasgow Trades Council. He had a continuous connection with the labor press, becoming in 1860 editor of the Glasgow *Sentinel*, the organ of the newly formed National Association of Miners. He clung to the Owenite tradition and as late as 1868 presented to the Royal Commission on Trade Unions a detailed argument for Owenite societies of producers.

Campbell's most significant achievement was the inauguration and leadership of an agitation among trade unions for an amendment of the Master and Servant Law which contained, among other harsh and oppressive features, a provision that a breach of contract of service committed by a workman was a criminal offense punishable by imprisonment, but if committed by an employer entailed only a civil suit for damages. The trade union conference of May, 1864, held in London as a result of this agitation, was the first spontaneous meeting of trade union delegates to consider measures for their general welfare, and the amendment to the law enacted in 1867 was the first positive trade union success in legislation. Campbell and his associates thus helped to give a new direction to trade union policy and facilitated further advance by encouraging political action.

FRANCES E. GILLESPIE

Consult: Great Britain, Parliament, House of Commons, "Report of the Select Committee on Master and Servant" in *Parliamentary Papers*, vol. xiii (1866) 14–23; Webb, Sidney and Beatrice, *The History of Trade Unionism* (rev. ed. London 1920); Postgate, R. W., *The Builders' History* (London 1923).

CAMPBELL, JOHN, BARON (1779–1861), English judge. He became eventually Lord Chancellor of England. As judge he was sound but not brilliant, and perhaps his greatest contribution was to establish the doctrine that the House of Lords is absolutely bound by its own judgments. His reputation is based rather upon his genuine passion for legal reform and on his literary labors. His report as head of the Real Property Commission of 1828 has proved of considerable value in subsequent legislation. Campbell supported a whole series of statutory reforms, and three acts which are still of great importance bear his name: the Libel Act (1843), establishing truth as a defense in a criminal prosecution for libel if the publication was for the public benefit; the Fatal Accidents Act (1846), permitting suit by the near relatives of the deceased in case of wrongful death, thus derogating from the ancient maxim of the common law, *actio personalis moritur cum persona*; and the Obscene Publications Act (1857), the basis of the present literary censorship in England. Among his works the most famous are *The Lives of the Lord Chancellors* (7 vols., London 1845–47; 7th ed. in 12 vols., Jersey City 1881–85) and *The Lives of the Chief Justices* (3 vols., London 1849–57; new ed. in 5 vols., Northport, N. Y. 1894–99), of which the former gained especially wide attention. Despite its original materials it has been attacked for gross inaccuracy and bad taste and for "adding a new terror to death." Campbell also published his own *Speeches* (London 1842) including his long argument for the House of Commons in Stockdale *v.* Hansard, the leading case on parliamentary privilege.

ARTHUR GOODHART

Consult: Campbell, J. C., *Life of John, Lord Campbell*, ed. by his daughter, M. S. C. Hardcastle, 2 vols. (2nd ed. London 1881); Atlay, J. B., *The Victorian Chancellors*, 2 vols. (London 1906–08) vol. ii, p. 127–218; Sugden, E. B., *Misrepresentations in Campbell's Lives of Lyndhurst and Brougham* (London 1869); Ernst, M. L., and Seagle, William, *To the Pure* (New York 1928) ch. vi.

CAMPILLO Y COSSIO, JOSÉ (*c.* 1695–1743), Spanish economist and statesman. In 1741 he became prime minister and during his brief term succeeded in substituting a system of direct tax collection for tax farming. He was responsible for various other reforms and through his writings considerably influenced later colonial policy.

His most famous work is *Nuevo sistema de gobierno económico para la América* (Madrid 1789), written in 1743, in which he urged the necessity of harmonizing government with economic policy. He criticized the government of Spanish America, blaming it for the wretched agricultural conditions and the misery of the Indians. He deplored the fact that native manufactures were growing to the detriment of the mother country and that the maximum importation from Spain represented only one twentieth of American consumption. As remedial measures he proposed: to give the Indians lands, tax free for fifteen or twenty years, after which time they would pay a moderate rent; to use Indians as artisans; to organize mortgage loan companies and *pósitos* (public agricultural credit institutions); to allow only such factories as did not compete with Spain or as found cheap and abundant raw material in America; to diminish contraband trade by reducing the customs duties on foreign commerce; to exempt Spanish commerce from taxation and to permit free trade within Spanish America to Spaniards in Spanish boats; to encourage commerce between New Spain and Asia via Acapulco and the Philippines; to have large companies establish commercial distribution centers in strategic places; to organize a fast mail service; and to establish the office of economic governor.

FERNANDO DE LOS RÍOS

Consult: Rodríguez Villa, A., *Patiño y Campillo* (Madrid 1882).

CAMPING, the practise of living in a temporary lodge or shelter, has appeared intermittently throughout history but has become a major social phenomenon only within very recent years. Camping is essentially a folkway of an urban civilization; primitive or pioneer groups may camp temporarily when necessity dictates, but it is only a city people that adopts the temporary but periodic retreat to the out of doors as a form of recreation and a phase of the accepted ways of living. Moreover, while every period of extensive urbanization has been accompanied by movements back to the land, in no other time but our own has a return both easy and temporary been possible for the majority of people.

It is in the United States that camping has been most markedly woven into the pattern of social life. The Sunday picnic in the country had become habitual to many a townsman of pre-war Europe; in the post-war youth movements, especially in the *Wandervögel* of Germany, the impulse to a free and "natural" life found expression in camping and living out of doors; but only in the United States has camping developed into a national habit and an organized industry. A variety of factors have contributed to this development: the persistence of the traditions and impulses of the pioneer period, the presence of large areas of unused land, the looseness of family ties and the need for new groupings with vital group interests. In more recent years the automobile and the publicly constructed motor road have given a new impetus and a new form to camping; while the spread of the recreation movement, with its emphasis on the values of out of door life, have lent it a new rationale.

The impetus to the founding of the earliest organized camps in this country was afforded by the boys' and girls' club movement of the late nineteenth century, and for a number of years organized camping has been essentially an educational and recreational project for children. Thus the first organized camp of which there is any record was founded in 1872 at Lake Waramaug, Connecticut, by Frederick William Gunn, headmaster of the Gunnery School. Although it enrolled almost the entire membership of the school it was primarily a recreational agency. Religious groups were also active in the establishment of camps; one of the earliest was a small camp established in 1880 by the Reverend George W. Hinckley for boys from his church. Five years later Camp Dudley, which is still in existence, was founded at Westport, Lake Champlain, New York, under the auspices of the New York State Young Men's Christian Association. In 1881 what is commonly regarded as the first private camp in America was opened at Chocorua, New Hampshire, by Ernest Balch.

During the next few decades camps of this type, established by schools, churches, social welfare organizations and private individuals, grew in number and popularity. Within a short time certain techniques and customs of camp organization had developed and might be found in but slightly different form in all camps. The organized camp, under whatever auspices it is conducted, is characterized by the fact that the camp as a corporate entity assumes responsibility for the welfare of the camper. It ordinarily provides a director of organization and activities and a well integrated daily program. The campers are often divided into groups, each under the direction of its counselor, who is a paid staff member responsible to the director. Athletics, woodcraft, nature lore and amateur dramatics play an important part in the program. With the growth among wealthy and middle class families of the practise of sending their children to camp for the whole of the summer, studying and tutoring programs of great variety have been adopted by many boys' and girls' camps.

As the camping movement became better established, a variety of new forms developed. For the older boy or girl the organized pack-trip camp in the west and southwest of the United States or the canoe camp in the Adirondacks, Maine and some of the Canadian parks have become popular. To meet the needs of the employed and less wealthy groups week end camps have been established both commercially and by such organizations as the Young Men's and

Young Women's Christian and Hebrew associations, social settlements, labor unions and churches. Most commercial camps for adults stress special week end features. The family camp has been of increasing importance.

The possibility of combining the ordinary features of camp life—the outdoor activities, the recreational methods, the escape from accustomed routine—with special ends and programs has been recognized by many groups. A great variety of special camps are now in existence. Citizens' Military Training Camps conducted by the United States War Department at fifty-three centers accommodated, in 1929, 37,979 young men between seventeen and thirty-one years of age. The government also conducts Reserve Officers' Training Camps, while several of the states have short term camps, usually of two weeks' duration, for the training of militia. Engineering schools have established technical practise camps chiefly for field work in surveying; and tutoring camps for coaching in preparatory and college subjects are growing in number. Camps devoted primarily to professional training in music, drama, art and rhythm have appeared in recent years. National religious bodies have made frequent use of short term camps conducted in connection with summer conferences. College liberal clubs and organizations like the League for Industrial Democracy also utilize such camps, which are becoming increasingly important as the adult education movement in this country copies the pattern of the European week end and summer conferences. The primary purposes of some camps, conducted, for instance, by certain religious bodies and by the Communist party, is undoubtedly propaganda. The United States Department of Agriculture uses its Four H Club camps to stimulate in older boys and girls an interest in the activities of farm life. Of increasing importance are camps for undernourished, disabled, convalescent and problem individuals. More than three hundred disability camps devote their entire efforts to children and some of the most important among them provide psychiatric care. Camps afford unique opportunities to control the life situation of non-institutionalized individuals as clinics do not; and universities and child guidance clinics are increasingly recognizing the value of camps as social laboratories for the study and treatment of behavior disorders.

Less easy to classify and enumerate, but of growing importance, are the many types of unorganized camps which may be found throughout the country. Such camps may be conducted by individuals or by small groups. They may be temporary or permanent, entirely independent of supervision and control or subject only to police, fire and sanitary regulations. The automobile has brought into existence a totally new kind of camp, the tourist camp, most temporary of modern homes. Tourist camps are conducted by the federal government in the national parks, by state, county and municipal bodies, by semi-public bodies such as chambers of commerce, and as business ventures. They vary in character from the simplest of structures to elaborate groupings of buildings and recreational facilities.

Statistics cannot express the importance of the growth of camping habits. Yet the incomplete figures which are available do at least give some indication of the extent of the phenomenon. Official returns to national organizations indicate that, in 1929, 7368 organized camps accommodated 1,142,500 campers, chiefly children, for periods varying from one week to nine weeks. Approximately 300 municipal and state camps accommodated 80,000 people, of whom 80 percent were children. National and state parks reported a total of 1,533,000 campers, about one third of whom were children. Private camps for children reported an enrolment of 100,000, but it is conservatively estimated that the number of private camps not reporting enrolment exceeds the number registered. No figures are available as to the number in adult commercial camps, which have experienced a continuous and recently somewhat accelerated growth.

The widespread popularity of camping is both symptomatic of a society characterized by a high degree of social mobility and in itself a factor contributing to the increase of mobility. The tourist camp has arisen most directly in response to the needs of a touring population; it contributes to making trips throughout the country possible for ever increasing numbers. In it the greatest mixing of social groups occurs. But because of the temporary character of most of the contacts it furnishes it may have less effect on social attitudes than the more permanent type of camp. In these also groups with very different backgrounds associate in common activities. Moreover, not only the vast majority of camps for children but also most of those for adults utilize organized programs which stress certain values and aim to develop socially acceptable attitudes and conduct. Indeed, leadership of camp activities is becoming an accepted profession. Training courses for such leaders are conducted annually by as many as twenty recognized colleges and universities, by local community groups and by such national agencies as the Young Men's and Young Women's Christian associations, Boy and Girl Scouts, Camp Fire Girls, Woodcraft League, Camp Directors' Association, American Red Cross and the United States Department of Agriculture.

In such indirect ways common traditions of camp organization and camp life are built up. A more direct impetus to standardization of camping techniques comes through the establishment and operation of camps by municipal and other governmental bodies. State boards of health generally have enacted codes of sanitation applicable to camps, and they are rapidly extending the range of their supervision and control over all camps. Within recent years there has been a definite trend toward consolidation in the camp movement either through the combination of two or more hitherto separate camps or through the establishment of chains of camps.

Camping has become a profitable industry, contributing to the development of remote sections of the country, adding to the demand for roads and roadside advertising. It has grown to the point where it has been subjected to government regulations as well as government promotion. There is every likelihood that it will remain one of the important forms of recreation and amusement of the modern urban world.

HENRY M. BUSCH

See: RECREATION; PARKS; AUTOMOBILE INDUSTRY; BOYS' AND GIRLS' CLUBS; YOUTH MOVEMENTS; URBANIZATION; MOBILITY, SOCIAL.

Consult: There is no adequate general discussion of camping nor is any serious study of tourist camping available. There are a few partial treatments of organized camping which although they are written for the instruction of camper or camp leader throw some light on the social problems involved. See especially: Playground and Recreation Association of America, *Camping Out* (New York 1924); Dimock, H. S., and Hendry, C. E., *Camping and Character* (New York 1929); Gibson, H. W., *Camp Management* (Cambridge, Mass. 1923); Mason, Bernard S., *Camping and Education* (New York 1930).

CAMPOMANES, PEDRO RODRIGUEZ, CONDE DE (1723–1803), Spanish economist and statesman. He played a prominent part in the eighteenth century movement for the social and economic regeneration of Spain. From 1755 to 1791 he served successively as general director of the postal service, secretary of the treasury and president of the Royal Council of Castile. By means of education, protective laws and the founding of model establishments he did much to develop commerce and manufacture.

In his *Tratado de la regalía de amortización* (Madrid 1765) Campomanes demonstrated by historical and economic arguments the right of the state to interfere with the unconditional transfer of church or other real property and with mortmain in general. He campaigned with some success against the economic power of the church and supported the law of 1763 prohibiting conveyances to the church. His *Discurso sobre la educación popular de los artesanos y su fomento* (5 pts., Madrid 1775–77) is concerned with the industrial situation and the guild system of Spain. Campomanes was largely responsible for the legislation directed against the guilds facilitating apprenticeship and favoring independent artisans. In the *Memorial ajustado del . . . honrado concejo de la Mesta* (Madrid 1783) he explained the grazing privileges of La Mesta, the powerful guild of sheep raisers, and the difficulties that these privileges created for Spanish agriculture. He dealt a final blow to the power of the Mesta and aided agriculture by reducing taxes and allowing free traffic in grain. In the first, fourth and fifth letters of his *Cartas político-económicas* (Madrid 1878, written from 1787 to 1790) Campomanes summarized his views. His economic-social concept of the state stands out in contrast with the formal, legalistic conception of constitutionalism prevalent in the nineteenth century. He proposed that the government should reduce privilege, attend to the national administration and cultivate domestic economic resources rather than depend upon the colonies. Holding economic theories similar to those of the physiocrats he advocated a total reorganization of taxation in order to encourage trade and industry. Public income should be reduced and taxation should be of three kinds: progressive income taxes paid by all for the benefit of the crown; taxes not on property but on products; and luxury taxes.

FERNANDO DE LOS RÍOS

Consult: Pedregal y Cañedol, M., in *Revista de España*, vol. lxxviii (1881) 537–52; Leonhard, R., *Agrarpolitik und Agrarreform in Spanien unter Carl III* (Munich 1909); Desdevises du Dezert, G., "Les lettres politico-économiques de Campomanes" in *Revue hispanique*, vol. iv (1897) 240–65; Costa y Marítez, J., *Colectivismo agrario en España* (Madrid 1898).

CANALEJAS Y MENDEZ, JOSÉ (1854–1912), Spanish statesman. Born in Ferrol, he graduated from the University of Madrid and soon afterward manifested strong radical tendencies. He was elected to the Cortes in 1881; seven years later he was appointed minister of justice and in 1894–95 minister of finance. Canalejas is the Spanish statesman most closely identified with socialism of the chair. He was responsible not only for the theoretical statement that "the liberal party should adopt the socialist viewpoint" but also for initiating the project of the labor institute. In December, 1901, he published in the review *Nuestro tiempo* a program of government in which he advocated labor contracts, minimum wage laws, social insurance, arbitration tribunals for social problems and laws for the protection of women and children. He proposed likewise the abolition of the consumers' tax, which was an indirect tax on commodities. As president of the Academia de Jurisprudencia he defended the reform of contract law in the civil code and its transmutation into social law. His campaign against latifundia and clericalism aroused public opinion in his favor. He was appointed president of the council February 9, 1910, and undertook the task of limiting the number of privileged religious orders by subjecting them to the general law governing associations and by prohibiting meetings of any group otherwise constituted. He issued an order permitting all religious cults to use outside signs on church façades, as well as an order allowing all except the military to substitute a promise for an oath. The result of this anticlerical legislation was a suspension of relations with the Vatican. He quelled the railroad strike of 1912 by the effective though questionable device of mobilizing under military orders all railroad hands whose ages made them liable to service and by forcing them with threats of military punishment to return to work. This aroused the deep seated animosity of the working class. Canalejas was assassinated in Madrid on November 12, 1912, at the hands of an anarchist.

Fernando de los Ríos

Consult: Francos Rodriguez, José, *La vida de Canalejas* (Madrid 1918).

CANALS. *See* Waterways, Inland; International Waterways.

CANARD, NICOLAS FRANÇOIS (*c.*1750–1833), French economist. In 1801 a prize offered by L'Institut National for the best discussion of the doctrine of the single tax was won by Canard's *Principes d'économie politique* (Paris 1801), which also brought him fame as the author of the diffusion theory of taxation. He held that there is not only a natural labor—that is, labor necessary to sustain existence—but that there is also what he called acquired labor, as well as superfluous labor. These are the foundation of all surpluses or rents: *rente foncière*, the result of the fixed labor applied to land or industry; *rente industrielle*, the result of the *travail appris* in industry; and *rente mobilière*, the result of the *travail superflu* in commerce. All taxes must be paid from one of these three rents, since a tax can never remain on the *travail naturel* which is necessary to existence. The mutual struggle of individuals to secure the greatest surplus results in a balance or equilibrium, and all taxes are shifted because they disturb the equilibrium between the rents. There can be no new equilibrium until every buyer and seller bears an equal share of the burden. Canard likened the circulation of goods to a series of communicating tubes. No matter how much water is poured in or out of any tube it will seek its level by distributing itself proportionally to the diameter of each tube. All taxes, therefore, are ultimately borne equally by every one, which is the same thing as saying that they are ultimately borne by no one. In the meantime, however, while the new equilibrium is being reached, there is friction which may cause serious trouble. Canard therefore concluded that "every old tax is good, every new tax is bad." He was opposed to the French *octroi*, as well as to the new tax on the doors and windows, and his belief in the diffusion theory led him to suggest that these be replaced by a salt tax levied on the producer.

Canard was the author of a *Mémoire sur les causes qui produisent la stagnation et le décroissement du commerce en France, et qui tendent à anéantir l'industrie commerciale* (Paris 1826), in which he objected to the commercial treaties with England and the United States. He wrote also on criminal procedure, mathematics and meteorology.

Edwin R. A. Seligman

Consult: Seligman, E. R. A., *The Shifting and Incidence of Taxation* (5th ed. New York 1927) p. 159–62.

CANDY AND CONFECTIONERY. *See* Food Industries.

CANGA ARGÜELLES, JOSÉ, Conde de (1770–1843), Spanish statesman and writer on public finance. He became minister of finance in

1820. In 1823, when the constitutional government of Spain fell, he fled to England where he published *Elementos de la ciencia de hacienda* (London 1825), a discussion of the principles of public finance and their application to Spain. His *Diccionario de hacienda* (5 vols., London 1826–27; 2nd ed. in 2 vols., Madrid 1833–34) is a notable work containing various memoirs by the author and by other authorities on public finance. It furnishes a wealth of valuable information on Spanish and colonial economy and makes it possible to trace the evolution of public finance in Spain after 1700.

From the beginning of his ministerial career Canga Argüelles tried to reestablish the borrowing power of the government, which had declined because of the magnitude of the outstanding obligations and the failure to recognize the debts of the former government. He advocated a redistribution of the sales taxes in order to allocate some groups of them to the amortization of the debt. In his *Memoria sobre el crédito público* (Madrid 1820) he also proposed to dedicate to the same purpose a considerable portion of the church property. His intention was to reorganize the loan policy of the government so as to make public credit an instrument capable of serving the treasury in emergencies, but he witnessed only the partial realization of his plans. Some of the measures he proposed went into effect when entails were abolished.

FERNANDO DE LOS RÍOS

CANNIBALISM. The word cannibal dates from the discovery of the New World. When the Spaniards discovered the Antilles they visited the natives of the Bahamas. These people went man hunting in fleets, and were said to have broiled and eaten all male prisoners. In the native language *carib* meant a valiant man, and Columbus heard these natives described as *canibales* and again as *caribales*. Subsequently the word cannibal has been used to cover all anthropophagites.

According to Sumner and others cannibalism dates from the earliest known existence of man on earth, and it is reasonable to believe it a custom which all peoples have practised. A distribution chart (Loeb) including both prehistoric and recent examples supports this statement and indicates that human flesh was either habitually or periodically consumed by certain peoples of all continents and island areas. While it has not been definitely proved that Neandertal man was cannibalistic a very good case has been made for the anthropophagy of Cro-Magnon. In certain burial caves left in Belgium by this early race human bones have been found which, like a number of the animal remains which lay near by, seem to have been the remains of a feast or merely "kitchen refuse."

None of the causes assigned for the practise of cannibalism among primitive peoples is entirely conclusive. Each has rested upon some environmental or psychological factor which "drove" the savage to consume human flesh; yet each could have been at best merely local in its application. The most frequently advanced causes have been lack of food or of larger animals, revenge upon tribal enemies, craving for salt and magical and religious beliefs.

It was formerly thought that lack of food drove the savage to cannibalism. At the time of post-Columbian discoveries, however, cannibalism in its extreme forms was almost universal in the tropics, where an abundance of food existed. Later ethnographers, aware of the absence of large mammals on the South Sea islands and on the continent of Australia, decided that the savage was necessarily cannibalistic because of this lack of warm blooded animal food. But Livingstone and later explorers found cannibalism in interior parts of Africa which were rich in both animal and farinaceous foods. It has been argued further that the Aztecs were cannibals because they had no animal larger than the dog, and that the Incas were not because they possessed the llama. Yet the Toltecs, the race to which the Aztecs owed most of their culture, were devoid of cannibalism, while the native tribes subjected by the Incas were cannibalistic. Revenge was the ruling motive for consuming one's enemy among the Fijians, the Maori and the Marquesan islanders. On the other hand in parts of New Guinea human flesh was often eaten because its flavor was thought superior to that of pork. Sir Harry Johnston has suggested that cannibalism may have arisen in Africa through a craving for salt, but among the man eating natives of the South Seas there is no scarcity of this commodity. Koch, from a comparative investigation of cannibalism among South American Indians, concluded that primitive ideas of magic drove these indigenes to cannibalism. Again, this explanation would seem to prove unsatisfactory in the case of people like the Fans of equatorial west Africa, who sold human flesh in their "butcher shops."

Back of many arguments lies the implied assumption that cannibalism is a violation either of man's natural instincts or, at least, of his better judgment. But there is no more reason to suppose that man has an instinctive horror of eating human flesh than that he has an instinctive horror of incest. Brehm in his *Thierleben* has given many examples of animals eating members of their own species, and even McDougall has never claimed that man has more instincts than the animals. If man possessed an instinctive aversion to cannibalism it would be impossible to commit the "crime" unknowingly. Yet many white travelers have done this very thing, and have been filled with remorse only upon discovery of their error. The soldiers of Cieza de León, for example, pilfered a pot of "rabbit" flesh from the Amazonian Indians, and it was only after they had eaten their fill that they became aware of the true nature of their repast.

It is difficult for an anthropologist to believe that where primitive groups have given up cannibalism they have done so from rational motives. Frazer has shown in the *Golden Bough* that the primitives fail to make any sharp distinction between men and animals, and this is also the observation of many field workers who have worked in the field of American Indian mythology. Not only has cannibalism not seemed necessarily wrong to savages, but even some European philosophers have made certain satirical comparisons between cannibalism and some practises of civilized peoples. Montaigne quoted the stoic leaders to the effect that it was more humane to eat a victim than to torture him to death, and Voltaire cynically queried the utility of civilized warfare in which the bodies were left as a repast for the crows and ravens.

The tabu on human flesh is a food tabu comparable to the Semitic tabu of pork. Although the exact origins of such tabus are obscure it is certain that they are produced by ideas of religion and magic. The waning of cannibalism must thus have been due to ghost fear. A survey of regions in which the custom was practised at the time these regions were discovered shows that religious restrictions usually surrounded the eating of human flesh, which was considered either unclean or sacred.

The same considerations which put an end to cannibalism in some quarters may have prolonged it in others. If it was dangerous to incur the wrath of a hostile ghost by consuming a human being, it was also wise to get mana in this manner. If man became superior to the animals in degree of sacredness, then it was better ritually to partake of the flesh and blood of the human god than of an animal.

In general, except in the case of the Pygmies, the Veddahs and the Tasmanians, cannibalism has survived until modern times almost exclusively among black skinned peoples and some Mongoloids of North and South America. It is significant that these are the same groups who preserved longest the archaic traits of tribal initiation. These are also the peoples marginal to the culture waves of higher civilizations. Outside of these groups it may be noted that certain Polynesians, mentioned above, and the Bataks among the Malayans also practised cannibalism upon their enemies and prisoners of war.

EDWIN M. LOEB

See: SACRIFICE; MAGIC; TABU; ANTHROPOLOGY.

Consult: Sumner, W. G., and Keller, A. G., *The Science of Society*, 4 vols. (New Haven 1927) vol. ii, ch. xxxv, vol. iv, p. 657–69; Lippert, Julius, *Kulturgeschichte der Menschheit*, 2 vols. (Stuttgart 1887) vol. ii, p. 279–92; Andree, R., *Die Anthropophagie* (Leipsic 1887); Bergemann, P., *Die Verbreitung der Anthropophagie über die Erde* (Bunzlau 1893); Loeb, E. M., "The Blood Sacrifice Complex" in American Anthropological Association, *Memoirs*, no. 30 (1923); Steinmetz, R. S., "Endokannibalismus" in Anthropologische Gesellschaft in Wien, *Mittheilungen*, vol. xxvi (1896) 1–60; Koch, T., "Die Anthropophagie der südamerikanischen Indianer" in *Internationales Archiv für Ethnographie*, vol. xii (1899) 78–110; Rutot, M. A., "Le cannibalisme a l'époque des cavernes en Belgique" in Société Préhistorique de France, *Bulletin*, vol. iv (1907) 318–26; Salas, Julio C., *Los indios caribes* (Madrid 1920); Allier, R., *Le non-civilisé et nous* (Paris 1927), tr. by F. Rothwell as *The Mind of the Savage* (New York 1929) ch. i, sect. ii.

CANNING, GEORGE (1770–1827), British statesman and diplomat. Canning was born in London, the son of a barrister. He entered Parliament in 1794 as a disciple of Pitt, held office during the war, and won European fame as foreign secretary (1822–27) and finally as prime minister. A Conservative looking more to commercial than to landed interests and a convinced believer in constitutional monarchy, he based foreign policy upon national expediency alone—with results as profitable to rising nationalism as they were discouraging to Metternich's "good Europeans." He emphasized his predecessor's dislike of joint intervention in the internal affairs of smaller states, but went much further by his public ridicule of the European Concert itself and of the congresses which were its means of action. His preference for isolated action appears in the dictum: "For *Alliance*, read *England*." Faced by revolutions of different origins and varying respectability he refused to intervene on behalf of "legitimate" governments, and so earned a scarcely coveted reputation as patron of nationalities and even of radical constitutions. In Greece he intervened at last in 1826, but on behalf of the insurgents and with Russia and France alone. Already the Concert had foundered upon the rocks of French intervention in Spain and the rumored threat of a reconquest for Spain of South America, a market newly opened to English trade. Against this danger Canning looked to the United States and partly inspired the proclamation of the Monroe Doctrine, which was followed by English recognition of the South American republics. In this sense he afterwards boasted, "I called the New World into existence to redress the balance of the Old." Disliked by both parties at home, he left some devoted followers and a strong tradition of "splendid isolation" in foreign policy, which lasted until the end of the century.

C. W. Crawley

Consult: Temperley, H. W. V., *The Foreign Policy of Canning, 1822–1827* (London 1925); Stapleton, A. G., *Political Life of Canning* (2nd ed. London 1831); Cecil, A., *British Foreign Secretaries 1807–1916* (London 1927); Petrie, C., *Canning* (London 1930).

CANNING, STRATFORD, Viscount Stratford de Redcliffe (1786–1880), British diplomat. Stratford Canning obtained a post in the British Foreign Office in 1807 when his cousin, George Canning, became secretary of state for foreign affairs. The following year he became secretary in the British embassy at Constantinople, and after the retirement in 1810 of his chief, Sir Robert Adair, Canning took practically sole charge of the embassy. It now fell to him to conduct negotiations, leading up to the Peace of Bucharest (1812), which brought to an end the war between Russia and Turkey and enabled Alexander I of Russia to concentrate upon meeting the invasion of Napoleon. Thus Canning not only contributed to the fall of the Napoleonic empire but also laid the foundations of British influence at the Porte. In 1814 Canning was British minister to Switzerland and helped to draft the Swiss constitution. As minister at Washington (1820–24) he proved friendly to the United States in spite of some passages at arms with John Quincy Adams. His mission to Constantinople in 1825 and to Corfu in 1828 contributed to the independence of Greece. Between 1828 and 1841 he was almost continuously a member of the House of Commons; in 1842 he was appointed ambassador to Turkey. Here he made a position such as no ambassador had previously held. Turkish ministers frequently met in his dining room, and his advice was taken on matters of high policy. It was owing to his firmness that the Turks refused the demands of Russia for a protectorate over the sultan's Greek church subjects, which Canning thought would be fatal to Turkish independence. The Crimean War, which followed, is the sole exception to the success of Canning's efforts to adjust international difficulties and to make or keep peace. Canning was created Viscount Stratford de Redcliffe in 1852. His *The Eastern Question* (London 1881) is a collection of articles written after his retirement from the diplomatic service in 1858. A most illuminating account of the conditions of the Turkish Empire and suggestions for a consistent British policy are to be found in Canning's great dispatch of August 9, 1832 (Great Britain, Foreign Office, Foreign Office Records, *Turkey*, vol. ccxi).

R. B. Mowat

Consult: Lane-Poole, S., *The Life of the Right Honourable Stratford Canning, Viscount Stratford de Redcliffe*, 2 vols. (London 1888).

CANNING INDUSTRY. The canning industry owes its origin to the fact that foods sterilized by heat and hermetically sealed will retain their quality for months and even years. Systematic food preservation by drying, smoking, salting and other household methods is as old as civilization, but the art of canning is of comparatively recent origin. A Frenchman, Nicholas Appert (1750–1841), was the first to carry on commercial canning and also the first to write a systematic treatise on the subject (1810). During his early experiments Appert enclosed food in glass jars, corked them with great care, submerged them in water which was gradually raised to the boiling point and boiled them "for more or less time according to the nature of the food"—a method still used successfully in household canning for fruits and acid vegetables. Later he experimented with tin and with wrought iron cans, tin plated.

In its early years the canning industry was carried on by simple hand processes. The cans used by Appert were made by hand in his own factory, and other canners followed his example until about 1885, when several inventions made possible machine made cans, and can making became an industry by itself. Successive inventions have also decreased the amount of work to be done by hand in the canning process and increased the number of foods which can be canned. Milk presented peculiar problems which were solved by Gail Borden in 1856. In the early eighties Welcolm Sprague invented a continuous chain feed machine for removing the kernels of sugar corn from the cob. The first practical machine for shelling peas from the pod was invented in 1885, and in 1893 E. P. Scott patented a machine which picked the pods from the vines and shelled them at the same time. The canning of salmon in the northwest was at first carried on very successfully with Chinese labor and very little machinery, but when this source of labor supply was cut off and the industry continued to grow, machines began to be introduced. Finally in 1903 a machine was perfected which handled the entire process of the preparation of the fish for the can, and it came to be known as the "iron Chink." There are now also machines for washing fruits and vegetables, and lye peeling has quite generally done away with hand peeling.

Since merely raising the food to the boiling point was not enough to destroy all bacteria, it was not until Pasteur's work with the bacteria of fermentation that the industry was placed on a firmer scientific basis. The most serious technological problem in the industry has latterly been that of dealing with *Bacillus botulinus*, the spores of which are destroyed at the temperature of boiling water only after long continued heating, especially if the food being canned is nearly neutral or only very slightly acid. The high temperatures made possible by the retorts of commercial canners and by the use of the pressure cooker in home canning have greatly reduced the danger of botulism in this country. While the disease is rare, the percentage of fatality is very high.

The canning industry has spread to practically every country in the world. Nicholas Appert went to London in 1814 to widen the market for his canned goods, but succeeded instead in stimulating many imitators of his methods. Although English as well as French canners had to struggle with very serious technical difficulties in the early years of the nineteenth century, a very prosperous canning industry grew up in both countries. Neither of these countries has, however, the advantage of the very large food production in proportion to population which makes the canning industry so important in the United States; in fact the United Kingdom has become by far the largest importer of canned goods in the world. Figures for a comparison of the output of canned goods in the various countries are difficult to obtain. Export trade statistics, however, shed some light on the relationship of the volume of production to that of home consumption with regard to various types of canned goods. They show that the canned foods now exported in the largest quantities from the United States are fruits, fish, milk and vegetables. Canned beef, once a valuable export from the United States, has greatly declined in importance with the growth of population, the increase in domestic demand for fresh meat and the decline in ranges available for cattle. Meanwhile, shipments of canned beef from Argentina and Uruguay (where production is largely financed by North American capital) have greatly increased. The foreign trade in canned vegetables is much less important than that in canned fruits because of the greater bulk of canned vegetables in relation to their value. France has a valuable export trade in high grade canned vegetables, and Italy in canned tomatoes and tomato paste. Canned fish is exported in large quantities from the United States, Russia, Canada, Norway, Portugal, France, Spain and Japan; canned milk from the Netherlands, Switzerland, Denmark, the United States and Canada; canned and preserved fruits from the United States, Italy, the Netherlands, England, France, Australia and the Straits Settlements, where a large pineapple industry is developing.

Commercial canning in the United States is said to have begun in 1821 with a Boston cannery operated by William Underwood, an Englishman who had served an apprenticeship in pickling and preserving in London. It was in Baltimore, however, that the industry gained its first real foothold. Oyster canning was carried on there as early as about 1840, as was also the canning of tomatoes and fruits. Until about 1860, however, the industry was greatly handicapped by a lack of scientific understanding of sterilization processes and by a lack of demand for canned foods. The federal army used large quantities of canned foods during the Civil War, and the industry grew rapidly in the years directly following the war, partly because of an increased understanding of the canning process and partly because of the trend of population toward the cities.

American census statistics on the canning industry date from the year 1870, and the following table indicates the growth of the industry from 1870 to 1920 (separate figures not available for early years, except in reference to fruits and vegetables):

Number of Establishments Engaged in Canning in the United States

Census Year	Fruits and Vegetables	Pickles, Preserves and Sauces	Fish and Oysters	Condensed Milk
1870	97			
1880	411	109		
1890	886	316	126	
1900	1813	424	369	50
1910	2789	580	398	136
1920	3082	723	475	401

Meat canning in the United States is an incidental activity of slaughtering establishments, and statistics on the number of establishments canning meat are not available. In comparison with the other products of the slaughtering and meat packing industries, canned meat is relatively of little importance. The value of all the products of this industry was $3,057,216,000 in 1927, while that of canned meat and canned sausage was only $27,824,000. The value of canned meats and canned sausage imported into the United States that year was $4,311,000. Vegetables and soups canned in the United States in 1927 were valued at $234,260,000, canned milk at $167,850,000, canned fruits at $101,731,000 and canned fish and oysters at $51,090,000. Canning on the west coast of the United States began in 1856, and California soon developed an export trade in canned fruits. In 1864 a salmon cannery was established on the Sacramento River, but Washington and Oregon were found to provide more profitable fishing grounds and the salmon canning industry became established upon the Columbia River and Puget Sound. The salmon of this region have become increasingly scarce, however, and in 1928 Alaska provided over 85 percent of the canned salmon output of the nation.

The canning industry is not a large scale industry. Though in the United States several well known corporations organized on a national scale are engaged in canning, they can scarcely be considered typical of the industry. The desirability of locating plants close to raw materials, which because of their perishable nature cannot be transported over long distances, necessitates decentralization of operation. There is a well defined tendency also toward decentralization of management, due largely to the seasonal character of the industry, the dependence upon uncertain weather conditions and the need for driving sharp bargains with many individual farmers. The flexibility of the industry is such that there are many small canneries which operate only if there is an abundant crop in their vicinity and only a small carry over of the canned product from the previous year.

This instability the canning industry derives largely from its close dependence upon agriculture. It exerts in turn a certain standardizing effect upon the portions of agriculture with which it comes into contact. In many sections of the country the farmer, though uncertain of his crop, becomes certain of his market by contracting with the canner for the disposal of his crop before he even undertakes planting. His activities are further controlled by the canner's careful selection of seed and instructions with respect to methods of growing and harvesting.

While the canner in getting his raw materials from the farmers comes into contact with numerous individual enterprises, his other major contact is with a business unit generally much larger than his own. The industry of manufacturing cans is typically large scale. In the United States two companies dominate the field, the larger of which has an output four times that of the second. In England 60 percent of the production comes from one company. Each of the American corporations has dozens of plants scattered over large areas, but centralization of management has been feasible because of the complete standardization of operations and the steady source of raw materials.

The marketing of canned goods has usually been relatively stable. The canner has been favored by an unusually large percentage of advance orders as compared with other types of manufacturing. In recent years, however, the trend of advance orders has been definitely downward and the number of small orders has been increasing. This recent tendency toward hand to mouth buying has been in part compensated by the stabilizing effect of the large orders from chain stores and purchasing groups of independent retailers.

Until the last decade canned foods reached the consumer only after passing through a marketing process involving four different groups: canners, brokers, wholesalers and retailers. With the transformation in marketing methods wrought by the development of the chain store and of group buying the retailer has frequently come to buy directly from the canner and to take over the warehousing of a considerable part of the pack. This practise has reduced the cost of marketing but the extent of its influence upon retail prices throughout the country is difficult to estimate.

Canned foods come to the consumer under a multiplicity of brand names and trademarks, some emanating from the manufacturer, some from the wholesaler. Grades of canned goods have been distinguished by a great variety of vague descriptions. Systematic grading was begun through the "Service and Regulatory Announcements" connected with the administration of the Federal Food and Drugs Act, by which minimum standards for health were defined and proper methods for labeling the weight of the food content of cans were established. Methods of grading quality are gradually being worked out. Standards for such grade designations as "fancy," "choice," "standard" and "second" have been set up for a number of canned fruits by several canners' associations. Standards for canned vegetables are now being developed by the Federal Bureau of Agricultural Economics at the request of the vegetable canners who desire to store their products in warehouses licensed under the United States Warehouse Act and to borrow money on goods so stored.

Attempts to regulate the canning industry have taken two directions, regulation of sanitation and regulation of the conditions under which wage earners are employed. Federal inspection of meat canning establishments producing goods to be used in interstate commerce has been very successful in raising the standards of sanitation. The federal government does not inspect the canneries which put up fruits and vegetables, but contents itself with detecting sanitary violations in the products of the canneries, under the authority of the Federal Food and Drugs Act. Several of the states maintain sanitary inspection of canneries, though the fact that many small establishments operate for only a short period during the year makes complete inspection difficult. The National Canners' Association has drawn up a statement of sanitary precautions and of working conditions which is intended to guide the members of the association, but the rules laid down are not binding on the members. Because of its short season and the perishability of the product handled, the canning industry was not included in the early state laws regulating hours and wages. In recent years some states have begun to regulate hours and wages of women and minors in the industry. California and Wisconsin have been particularly successful in the regulation of wages and hours of work. California penalizes the employer for long hours by requiring higher rates of pay after eight hours have been completed in one day and double rates for every hour after twelve.

The seasonal character of the canning industry and its localization near the sources of raw materials make difficult the problem of an adequate labor supply. Since little skill is required of workers and much of the work is easy if done under proper conditions, the employment of women and children in canning factories has been the rule since the beginning. With the introduction of machinery, however, the employment of children in canning factories has declined in recent years. According to figures from the Federal Census of Manufactures, the proportion of wage earners under sixteen employed in canning factories dropped from 8 percent in 1899 and 7 percent in 1909 to 2 percent in 1919. The Federal Child Labor Tax Law was in effect in 1919, and the extent to which it may have brought about a reduction in the number of children reported as working in canneries in that year cannot be determined. A recent (1930) report by the United States Children's Bureau shows that large numbers of children are still being employed in canning factories, many of them working long hours under unsanitary conditions. Of 560 fruit and vegetable canneries visited, employing 56,828 workers in Washington, Delaware, Indiana, Maryland, Michigan, New York and Wisconsin during the seasons of 1923, 1925 and 1926, 80 percent were employing children under sixteen years. A large proportion of very young children, some under twelve, were found in some states. Tomato canneries employ many more young children than any other kind. Nearly half the children in all the canneries visited by representatives of the Children's Bureau worked as tomato peelers. This work is light except in poorly equipped canneries, in which the peelers are required to lift pails of waste from table to floor or from one table to another. In most of the states covered by the bureau study the children's working day was very often as long as that of adults. The Children's Bureau survey shows that practically all the canneries in Michigan, Indiana and New York furnished some seats for their women workers, but that many girls under sixteen in canneries in these states were standing at their work all day long. Conditions in Delaware and

Maryland were conspicuously bad. "More than two thirds of the Delaware canneries and about three fourths of the Maryland canneries provide no seats for any of their women workers, not even boxes, crates or overturned pails." In the fish canneries children's work was more difficult than in the fruit canneries. The hours were also more irregular because "the catch cannot be regulated and it is considered impossible to 'hold over' fish from day to day."

Many of the smaller canneries draw their labor supply from nearby farms and towns, but the necessity for canning perishable products before they spoil requires a large labor force for a short time, and in some states the canners recruit family labor from outside the community. Nearly 6000 migratory persons, almost half of whom were children under sixteen, were living in 126 of the 143 cannery labor camps included in the Delaware and Maryland surveys made by the Children's Bureau. The care of children too young to work in cannery labor camps is a problem which has received little attention. Not only are they subjected to unsanitary conditions and permitted a carelessness about school attendance, but unsupervised children are less safe in the cannery than in the agricultural labor camps because the camps are usually near railroad tracks and because the children are likely to get into the cannery workrooms where they are in danger from unguarded machinery. Recreation centers and day nurseries have been established in cannery camps in a few places in Maryland, Delaware, New Jersey, Ohio and on the Pacific coast, either by the canners themselves or by welfare organizations.

The extent of home canning throughout the United States cannot even be estimated. Until 1910 home canning was done very largely by the open kettle method, which frequently did not result in a sterile product. In that year an attempt by the General Education Board to improve home conditions in the South included the organization of clubs for tomato canning. The Home Demonstration work begun under the Smith Lever Act of 1914 and carried on by extension workers of the Department of Agriculture and state colleges continued to support the tomato canning clubs, partly because the leaders in this type of education felt the urgent need for increasing the money incomes of the club members, and partly because with this incentive girls and women were learning better ways of canning for their own families. The need for conserving food products during the war period led to a great increase in the number of persons who taught canning methods to rural and city housewives, and the amount of home canning probably increased greatly during that period. Since the war several forces have been operative in qualifying this trend, notably the increasing consumption of fresh vegetables and the improvement in their marketing.

The effect of the increase in canning upon food consumption in the United States cannot be accurately measured. Analyses of family diets early in this century showed that city diets in the United States were on the average deficient in mineral salts obtainable from fruits and vegetables. A vigorous educational campaign and improvement in the commercial production and marketing methods resulted in an increased consumption of fruits and vegetables. During the war period the campaign for economy in meat consumption and the high price of meat combined to accelerate this change in the American diet. No quantitative figures are available to measure changes in the amount of fruits and vegetables consumed in the last century, but three successive studies of expenditures by American wage earning families carried on by the United States Department of Labor indicate that the percentage of food expenditures devoted to fruits and vegetables has materially increased during the last forty years. A study of 1917 shows that about one quarter of the vegetable expenditures and one fifth of the fruit expenditures went to purchase canned foods. The value of the annual per capita consumption of commercially canned fruits and vegetables in the United States increased 180 per cent from 1899 to 1927 (the 1899 figures having been adjusted to the 1927 price level), from $1.72 per capita per year in 1899 to $4.81 per capita per year in 1927. Percentages of increase for different kinds of products (all based on the adjusted value of annual consumption per capita) are as follows: canned milk, 368 percent; canned fruits, 162 percent; canned vegetables, 148 percent; canned fish and oysters, 125 percent; canned meat, 120 percent. Studies of food consumed by college students in 1893 and 1926 show a decrease in fresh fruits, an increase in canned fruits, an increase in fresh vegetables and a decrease in canned vegetables.

The consumption of canned foods, while its outward importance lies in its furnishing the basis of an industry, becomes in the context of modern social changes indicative of a new way of life. It spans the severance of the household from the garden plot and the fruit trees which formerly conditioned its self-sufficiency. It represents one of the most important steps yet taken toward the emancipation of women from household drudgery, and thus becomes one of the significant items in the industrial revolution of the home. While as a result of the development of refrigeration it has ceased to be exclusively important in food preservation, it has by packaging ready-to-eat cooking ministered to and been aided by the heightened mobility of life, especially in the United States. Its standardizing effect upon eating habits and eating tastes, while too elusive and too close to us to be easily assayed, is certainly appreciable. Most significantly it has established a new set of consumption habits less dependent than formerly upon the immediate variations in the sources of food supply, and has to that extent intensified the primarily urban character of modern life.

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See: FOOD SUPPLY; FRUIT INDUSTRY; MARKETING; INSPECTION; FOOD AND DRUG REGULATION; MIGRATORY LABOR; STANDARD OF LIVING; HOME ECONOMICS.

Consult: Appert, N., *L'art de conserver pendant plusieurs années toutes les substances animales et végétales* (Paris 1810), tr. by K. G. Bitting as *The Book for All Households* (Chicago 1920); Collins, J. H., *The Story of Canned Foods* (New York 1924); Fitzgerald, J. E., "The Export Market for United States Canned Foods" in American Academy of Political and Social Science, *Annals*, vol. cxxvii (1926) 79–83; Lyon, L. S., *Some Trends in the Marketing of Canned Foods*, Brookings Institution, Pamphlet series, vol. i, no. iv (Washington 1929); Matthews, E. N., *Children in Fruit and Vegetable Canneries; a Survey in Seven States*, United States, Children's Bureau, Publication no. 198 (Washington 1930); "Women in the Fruit-Growing and Canning Industries in the State of Washington," United States, Women's Bureau, *Bulletin no. 47* (Washington 1926); Norton, L. J., *An Economic Study of the Production of Canning Crops in New York*, Cornell University, Agricultural Experiment Station, Bulletin 412 (Ithaca 1922); Seidel, Wolfgang, *Die deutsche Gemüsekonserven-Industrie* (Breslau 1927); United States, Federal Trade Commission, *Report on Canned Foods* (Washington 1918 and 1921); Chase, Stuart, and Schlink, F. J., *Your Money's Worth* (New York 1927); Borsodi, Ralph, *This Ugly Civilization* (New York 1929).

CANNON, JOSEPH GURNEY (1836–1926), American congressional leader. At the age of twenty-two Cannon began the practise of law in Illinois and his first public office was that of state's attorney. He was elected to Congress in 1872 and with the exception of two terms he served continuously until his retirement in March, 1923. Always a "regular" Republican, able and resourceful in parliamentary strategy but ruthless and with a strain of coarseness in his nature, Cannon early took his place as one of the leaders of the House. From 1883 to 1889 he and Thomas B. Reed were minority members of the Committee on Rules. In 1889 he was an unsuccessful candidate for the speakership. He headed the powerful Committee on Appropriations from 1897 to 1903 and was elected speaker in 1901. In this office he was far more powerful and dictatorial than any of his predecessors had been. In fact he always maintained that he considered the speakership of the House a more powerful and attractive office than the presidency itself. His principal weapons were the power of appointment to committees and of recognition of members from the floor. He could make or mar the career of a newly elected representative. As a member of the Committee on Rules he was able substantially to determine the business that the House would consider. This form of dominance of the speaker over the House became so identified with Cannon that it was called Cannonism. After 1907 there were signs of revolt and in March, 1910, a coalition of Democrats and insurgent Republicans was successful in forcing far reaching changes of the rules. The speaker was excluded from membership on the Committee on Rules, which along with the legislative committees was thereafter to be elected by the House. As a result the speaker became more the servant than the master of the House. His leadership was put in commission. The coalition, however, was unable to declare the speakership vacant and Cannon served until the Democrats gained control of the House and elected their own speaker in March, 1911. Thereafter the ex-speaker was a representative of steadily dwindling influence.

LINDSAY ROGERS

Consult: Busbey, L. W., *Uncle Joe Cannon* (New York 1927); Hard, William, in *Collier's: The National Weekly*, vol. xli (1908) no. 8, 11–12, 24–28, and no. 9, 11–12, 24–26; Chiu, Chang-Wei, *The Speaker of the House of Representatives since 1896*, Columbia University Studies in History, Economics and Public Law, no. 297 (New York 1928); Follett, M. P., *The Speaker of the House of Representatives* (New York 1909); Fuller, H. B., *The Speaker of the House* (Boston 1909); Brown, G. R., *The Leadership of Congress* (Indianapolis 1922).

CANON LAW. The law of the Roman Catholic church consists fundamentally of the *jus divinum*, the *jus canonicum* and that part of the entire body of the law which is neither divine nor canonical.

The *jus divinum* is contained in the Holy Scripture and in *traditio divina*; and it is immutable. *Traditio divina* consists of those oral ordinances of Christ which, although they were not embodied in Holy Writ, are proved to have been transmitted to the church through the concordance of the church fathers. The *jus divinum* has given its spirit and much of its substance to the *jus canonicum*. Not only are the sacraments based upon it but the constitution of the church, including the episcopate and the primacy of the pope, is largely derived from its teachings. Religious, moral and theological ideas embodied in the *jus divinum*, such as the conception of sin, have been transformed into rules of the *jus canonicum* by the legislation of councils and popes. *Jus divinum* suffuses the entire body of *jus canonicum* and gives it life.

In early mediaeval times the legislation of councils and popes was known as *jus canonicum*. The division of the church into the Roman and the Greek Catholic churches meant, however, a fundamental division of the law into the Roman and the Greek canon law; and, while both churches possess the earlier sources of canon law in common, the historic development of the two separate churches has resulted in basic differences between the Latin law of the West and the Greek law of the East. In the West the Latin *jus canonicum*, which alone concerns us here, was largely composed of conciliar canons contained in the Greek collections; but this Greek material was continuously supplemented by Latin elements, chiefly the canons of oecumenical and local councils and papal decretals. The process of unifying the western law, furthered by the diffusion of canonical collections, notably the *Dionysio-Hadriana*, the *Hispana* and the False Decretals, was accompanied by its systematization. By the spread of these regional collections many local canons were added to the growing body of the *jus commune*.

The history of the sources of canon law during the period immediately prior to Gratian's time is intimately interwoven with the reform movement within the church. The reformers were chiefly interested in the primacy of the Apostolic See, the validity of the sacraments, the coercive power of the church, investiture and simony; and upon these and other important subjects the several types of canonical collections, most of which were national or regional in character, contained numerous contradictions and hence introduced confusion in the substance and administration of the law. In seeking to achieve their main purposes, such as the primacy of the pope and the coercive power of the church, the reformers were anxious to restore the former discipline; and accordingly in their work of revising the collections they not only appealed to earlier canons which possessed the character of universality but they also sought to suppress texts of German or Celtic origin. Not one of the numerous collections of the time, not even the *Decretum* of Burchard of Worms (*c.* 1012) nor that of Ivo of Chartres (*c.* 1095), was regarded as adequate by the reforming party.

Although in fact much confusion in the sources still remained, a new method of interpretation began to come into use at the end of the eleventh century by which precept was separated from counsel and principles of eternal validity were distinguished from those variable elements of the law which arose out of particular circumstances of time, place or persons. Abélard in his *Sic et non* extended the possibilities of this dialectical method of proving the relativity of rules and harmonizing contradictions; but it was Gratian who applied this new method for the first time to the whole enormous mass of diverse texts contained in the many current collections of canons. Gratian's work, produced at Bologna in the period of the revival of legal studies, proved to be so successful and so acceptable to the church that it became the foundation of the classic law.

The appearance of Gratian's *Concordantia discordantium canonum*, generally known as the *Decretum*, marks the beginning of that new epoch in the history of the canon law during which the *Corpus juris canonici* was gradually formed. As finally completed, at the end of a development which covered three and a half centuries, the *Corpus juris canonici* consists of two main parts. The first part, Gratian's *Decretum* (*c.* 1140), serves as the foundation. Based on earlier collections it is essentially a systematic treatise on the canon law in which the authorities are included; and although a private work, apparently produced under the strong influence of Abélard, it was soon treated as official and received formal recognition in Gregory IX's decretals. In the law schools it was used as the textbook in canon law, while in the hands of the canonists it was soon supplemented by a large body of glosses. During all succeeding centuries it has served as the foundation of the structure of *jus canonicum*, exerting a vast influence on the study and spread of that system. The second part is composed of four collections of papal decretals: the Decretals of Gregory IX (1234), an official compilation or code of papal decretals issued after the completion of the *Decretum*, including those of Gregory himself, which is generally known as the "Extra" (*Decretales extra decretum vagantes*); Boniface VIII's *Liber sextus decretalium* (1298), a collection of decretals issued subsequent to the "Extra" and called *Sextus* because it was regarded as a continuation of the five books of the "Extra"; the *Clementinae*, a collection of decretals, including his own, which was originally published by Clement V (1313) and later recast and published by John XXII (1317); the *Extravagantes*, a private collection of decretals which was treated as if it were official and which consists of two parts, the *Extravagantes* of John XXII and the *Extravagantes communes*, including the decretals issued by various popes, after the publication of the *Sextus*, from Boniface VIII to Sixtus IV (died 1484).

The appearance of the *Decretum* gave to the study of canon law a new and vigorous life. It became a separate branch of legal science distinct from and yet closely related to the study both of civil law and of theology. The universities made *doctores decretorum* as well as *doctores legum*; and from the thirteenth century onwards an increasing number of jurists became *juris utriusque doctores*. While the civilians were known as the legists, the canonists were classed as decretists and decretalists. The decretists wrote glosses upon the *Decretum* either between the lines of the text (*glossae interlineares*) or upon its margin (*marginales*); and they composed fuller and more detailed explanations of the text (*apparatus*) as well as summaries of the contents of its several sections (*summae*) which were essentially systematic treatises. The decretalists followed methods similar to those of the decretists, but their treatment of the collections of decretals was fuller, freer and more fruitful than that given to the *Decretum*. Writings on the procedure of the ecclesiastical courts formed a special and important branch of canonistic literature.

The history of the Roman Catholic church in the modern epoch, since the Reformation, is reflected in the development of her legal system. While the *Corpus juris canonici*, as modified from time to time, has served as the basis of the legal system, the modern law embraces also that large body of legal rules and principles not included in the *jus canonicum* which is known to jurists as "church law." The chief sources of the modern law, either as *jus canonicum* or as church law, are papal acts of legislation, known as *constitutiones* in distinction from mediaeval *decretales*, the legal provisions of the Council of Trent (1545–63) and the Vatican Council (1869–70), the decrees and decisions of the curial *congregationes* and the *concordata* concluded between the pope and territorial states. The new *Codex juris canonici*, one of the most important and successful codifications of our time, has been in force since 1918. Based on the *Corpus juris canonici* and the modern sources it has absorbed into the *jus canonicum* parts of the law hitherto known as "church law." While *jus canonicum* in the present day sense means the law contained in the *Codex*, this codification does not contain the entire law of the church; and the distinction therefore between *jus canonicum* and church law still persists. In general the liturgical laws, the law embodied in *concordata* and customary law form no part of *jus canonicum*.

While the constitutional law of the church, as embodied in *jus divinum* and the *Corpus juris canonici*, has been modified in the period since the Council of Trent, most of its mediaeval principles still persist. In the pope reside the supreme legislative, administrative and judicial powers over the whole church; and in his government of the church he is assisted by the Curia Romana, which in modern times is composed of cardinals, prelates and other officers. To the pope alone belongs the right to create *jus commune* and to grant dispensations and privileges; only the immutable *jus divinum* restricts his power. Bishops possess limited legislative and dispensing power. The exercise of the pope's judicial power is entrusted to tribunals which form a part of the Curia. Appeals from bishops' courts are taken to the tribunals of second instance, notably the courts of archbishops and metropolitans; while from these tribunals cases may be carried to the papal courts of appeal. In the later Middle Ages the most imposing of these papal courts was the Sacra Rota Romana; and especially in the fifteenth and sixteenth centuries it was viewed as *totius christiani orbis supremum tribunale*. The reorganization of the Curia by Sixtus V (1588) through the establishment of standing *congregationes*, some of which were invested with extensive judicial powers, resulted in a gradual decline in the importance of the Rota; but in our day, as part of the reorganization of the Curia by Pius X

(1908), the Rota has been brought back into prominence by being made a court of appeal in both civil and criminal cases. The *decisiones Rotae*, which cover a period of six centuries, form a most important source of our knowledge of the application and development of canon law by judicial practise.

The mediaeval *jus canonicum*, as finally embodied in the *Corpus juris canonici*, drew its substance not only from ecclesiastical sources, notably *jus divinum*, the customs and ideas of the clergy and *opinio doctorum*, but also from secular legal sources, chiefly Roman law, Germanic law and custom, mediaeval town law and feudal custom. In its main characteristics this mediaeval *jus canonicum* was the outgrowth of ecclesiastical policy. The church, regarding itself as the greatest of all the civilizing institutions of the world, undertook many of the social and economic tasks which in modern times have come within the competence of the state. The scope of ecclesiastical legislation and judicature was extended far beyond the range of purely ecclesiastical matters; and the *jus canonicum* included therefore many rules and principles which dealt with temporal subjects such as the oath, usury, prescription, contracts and international relations from the standpoint of the church. Not only the scope but also the general character of the *jus canonicum* was determined by the effort of the church to extend its sway over all the affairs of mediaeval society. Although that attempt was not in all respects successful, owing to the competition of other factors in mediaeval history such as the rise of the empire and of territorial monarchies, the spread of feudalism and the growth of towns, the *jus canonicum* was in fact the fundamental guaranty of law and order in mediaeval Europe. It represents, moreover, the effort of the church to enforce morality by legal means.

A survey of some of the salient features of the mediaeval canon law will serve to indicate the nature of that system and the reasons why it was able to exert so powerful an influence on the social, economic and legal development of Europe both in mediaeval and in modern times. While the canon law has failed to maintain its supremacy since the regulation of social and economic life has been taken over by the modern state, it still exerts through the spread of its ideas and principles to secular law a far reaching moral dominance over the social life of today.

The writings of the canonists based upon the texts of the *Corpus juris canonici* contain many political and jurisprudential theories in regard to government, law, custom, justice, equity, property and many other topics of similar character; and these canonistic doctrines have exerted a widespread influence on thought. In the hands of the canonists many doctrines of the Roman classical jurists and the mediaeval civilians reached a fuller development. Gratian's identification of the *jus naturale* with the *jus divinum* is illustrative of this process of thought; while an even more striking example is the expansion by the canonists of the theory of the corporation which they found in the writings of the civilians. By introducing features derived from ecclesiastical and mediaeval institutions the canonists contributed to the idea of legal personality some of its most distinctive traits; and by this shaping of "the Romano-canonical theory of the corporation" they prepared the way for its profound influence on legal and political thought and for its adoption in mediaeval and modern systems of law.

The canon law of the Middle Ages exerted in fact a far reaching influence on all branches of secular law. Through the constitutional and administrative features of its law the church transmitted to mediaeval and modern times the Roman conception of government; and the monarchic constitution of the church, with its centralization of power in the papacy, has been the model which modern states have reproduced.

The criminal and disciplinary system of the church, which forms a most important part of canon law, rests in its origins on Christian conceptions of morality and sin; and while other features were gradually introduced it has never lost these early characteristics. In the beginning the church limited its jurisdiction to ecclesiastical delicts and in the main employed only ecclesiastical methods of discipline. In course of time, however, the church went beyond the purely ecclesiastical sphere and entered the domain of lay jurisdiction in criminal cases; and as an important aspect of its rise to a position of dominance in the mediaeval world it ultimately acquired a jurisdiction which was truly criminal in character and so extensive in scope that it materially curtailed the criminal jurisdiction of mediaeval territorial states. The church claimed that its courts had jurisdiction over all offenses of the clergy; but in respect to delicts of the laity it drew distinctions. In the case of all *delicta mere ecclesiastica*, offenses directed against the faith, the *cultus* and the constitution of the church, notably heresy, schism, apostasy and simony, the church claimed jurisdiction even though most of these delicts were punished by the secular tribunals. While, under the title of sin, the church would have liked to bring all offenses into the scope of its jurisdiction, it was unable to carry out so sweeping a policy and developed therefore the notion of *delicta mixta*, offenses which, although not directly aimed against the church, indirectly placed it in danger. In respect of this numerous class of delicts, which included perjury, blasphemy, sacrilege, sorcery, usury as well as offenses directed against life and limb and those caused by carnal lust, the church acquiesced in a compromise; in case the state punished, ecclesiastical jurisdiction was competent only in the sphere of the *forum internum*, but whenever the state did not punish, the church exacted the punishments recognized by secular law. In the case of *delicta civilia* the church entered no claim and admitted the competence of the secular tribunals.

In consonance with the view that delicts were sins the church based its system of punishments upon two ideas, the reclamation and cure of the sinner and the expiation of the unrighteous and wrongful act. As it stressed the one or the other of these two conceptions, the church inflicted either *poenae medicinales* or *poenae vindicativae*. The former were *excommunicatio*, *interdictum* and *suspensio*; while the latter included not only punishments of a temporal character, such as banishment, imprisonment and chastisement, which were inflicted upon clergy and laity alike, but also special kinds of punishment in the case of the clergy, such as *privatio beneficii*, *depositio* and *degradatio*. In general the ecclesiastical tribunals did not make use of either death or mutilation as punishments; nor did they permit corporal punishment of a kind which would result in loss of blood.

Influenced both by Roman law and Germanic custom the early canon law recognized only the accusatory system in the criminal procedure of the ecclesiastical courts; but during the later Middle Ages the church developed its famous inquisitorial system. The *processus per inquisitionem*, which in its beginnings was essentially an official prosecution by the judge, wherein he proceeded *ex mero officio*, was introduced at the very end of the twelfth century by decretals of Innocent III, strengthened by early thirteenth century decretals and finally confirmed in 1215 by the fourth Lateran Council; and once incorporated in canon law the inquisition of the ecclesiastical courts was elaborated in all its details. A special and drastic application of the processes of the inquisition appeared in the "Holy Inquisition," a court which had its origin in the thirteenth century. It was not, however, this extraordinary tribunal but the inquisitorial system of the ordinary ecclesiastical courts which served as a creative factor in the history of criminal procedure in Europe. By the end of the sixteenth century all the states of the continent, following the example of the ecclesiastical courts, had substituted the inquisitorial for the accusatory system in their courts of criminal justice. England, however, retained the latter as the basis of its criminal procedure.

In the history of the struggle between church and state for the civil jurisdiction of their respective courts the twelfth and thirteenth centuries mark a signal victory for the church. The wide scope of ecclesiastical jurisdiction in that period was an expression of the rise of the church, with the pope as its supreme ruler, to that position of temporal as well as spiritual dominion over the world which Innocent III (1198–1216) and his immediate successors not only claimed in theory but also made effective to a very large extent in the practise of the times. In the pontificate of Gregory IX (1227–41) the jurisdiction of church courts included not only *causae mere spirituales*, chiefly cases in regard to marriage as one of the sacraments, but also *causae ecclesiasticae spiritualibus annexae*, namely, engagements to marry, dower, status, legitimation, patronage, the foundation of benefices, tithes, wills and contracts confirmed by oath. It extended also to *causae miserabilium personarum*, especially persons in poverty, widows, orphans and crusaders; it embraced as well cases in which there had been a refusal of legal relief on the part of lay judges and, finally, cases in which a party had committed a sin, a category which was most sweeping in its nature and scope. In the exercise of this extensive civil jurisdiction the church courts were competent to entertain proceedings brought by clerks against clerks, by laymen against clerks, by clerks against laymen.

Several features of this ecclesiastical system of civil justice, notably the stability of the substantive law as embodied in the texts of the *Corpus juris canonici*, a settled and enlightened civil procedure based on documentation and promptness in the execution of judgments, combined to make the church courts popular with litigants; and throughout the later Middle Ages these courts were in fact formidable rivals of lay tribunals in all the countries of Europe. The competition of ecclesiastical and lay jurisdictions resulted in certain compromises and adjustments. Some subjects, such as marriage, were in general acknowledged by state authorities as belonging properly to ecclesiastical jurisdiction; while as to other subjects the church was able to enforce its jurisdiction in some countries and not in others. The struggle for civil jurisdiction followed the fortunes of the changing relationship between church and state. As states gradually became stronger they centralized their legal systems, improved the courts and enlarged their civil jurisdiction. From the end of the fifteenth century the growth of temporal justice, at the expense of spiritual justice, was ever more marked: one by one many of the subject matters of the civil jurisdiction of the church were absorbed by the civil courts of temporal powers.

As a system of civil justice the mediaeval canon law embraced several branches, each of which was colored by the religious and moral ideas of the church. The canonical principles in regard to possession exercised a direct influence on secular law, notably in the wide extension of the scope of quasi-possession or the possession of rights as opposed to things and in the development of an effective remedy for the recovery of possession. Originating in the criminal procedure of ecclesiastical courts in an age of much violence and spoliation, the *actio spollii* of the canon law, based in large measure on the Roman interdict *unde vi*, became a civil possessory remedy; and as such it was received in many secular systems, as for example in England where it served as a model for the assize of *novel disseisin*.

One of the cardinal doctrines of the canonists was that bad faith, whenever occurring, was a sin; and this view lies at the basis of the rules of the canon law in regard to prescription, which were in fact developed as a corollary of the canonical principles in regard to spoliation. In addition to *justus titulus* the canon law required for valid prescription good faith on the part of the possessor not only at the beginning of the period of prescription, as in Roman law, but throughout its entire duration. From the fifteenth century onward the canonical rule as to prescription gradually passed into secular law.

The canon law recognized as binding the formal contract concluded either by oath or by *fides promissa* and also the contract formed *solo consensu*. The basis of the canonical principle, *solus consensus obligat*, which conflicted with both Roman and Germanic law, was the theological view that a man who does not keep his promise is guilty of the sin of lying and incurs ecclesiastical penalties. The revolutionary character of their doctrine, and particularly the fact that it was at variance with the Roman maxim *ex nudo pacto actio non oritur*, led the canonists to formulate a further essential requirement in addition to consent. Finding this requirement in the Roman *causa* the canonists held it immaterial that a pact was *nudum a solemnitate*, provided only that it was not *nudum a causa*. Applying this doctrine to both unilateral and bilateral contracts the canonists reached the bold conclusion that all promises supported by *causa* were enforceable. While they held conflicting views as to the nature of *causa* they were all agreed that it involved the necessity of some purpose or result to be attained by the contracting parties, such as a definite legal act; and since the preservation of morality was essential they maintained further that this purpose or object must be reasonable and equitable. From this latter requirement the canonists developed the doctrine of equality in the sphere of contract. This doctrine, which was grounded in their economic notions, they applied not only to the formation and subject matter of contracts but also to their termination. Upon equality they based their prohibition of usury and their ideas of the just wage and the just price; and this same principle of equality led them to hold that if one party did not fulfil his promise the other party was released from his, *non servanti fidem fides non est servanda*.

In the creation of its law of contract the church, starting from the basic idea of the repression of sin, stressed the importance of the conscience of parties and in fact clothed conscience with legal obligation wherever there were present the two essential elements of consent and *causa*. With the development of the informal consensual contract there was the accompanying emphasis upon the importance of the intention of the parties and of their *bona fides*. There arose, moreover, an interpretation of contracts based on considerations of equity and natural justice. All of these features of the canonical law of contract influenced the secular laws of Europe in the later Middle Ages and in modern times. They were adopted, in part at least, by the post-glossators and the civilians of the later mediaeval centuries; they passed at an early time into the secular law of Italy, France and other countries; and they helped to shape the growth of a cosmopolitan system of mercantile law.

During the later Middle Ages, from the twelfth century onward, the canonical law of marriage displaced the secular laws of Europe. From the beginning the canon law adopted the rule of the classical Roman law, *nudus consensus facit nuptias*; but to this consensual contract there was applied the entirely new conception of the sacramental nature of marriage. Upon this basis of a formless consensual contract the church developed that elaborate and comprehensive law of marriage which dominated the family life of Europe in the later Middle Ages. The canonical law embraced not only rules in regard to the formation of marriage but also those respecting impediments, the capacity of parties, the legal effects of marriage, marital property, divorce and nullity. Still preserved and enforced as the law of the Roman Catholic church, the canon law in regard to marriage has exerted in modern times a powerful influence on other ecclesiastical systems of marriage and on the civil marriage laws in many countries.

The civil procedure of the ecclesiastical courts, which was based on the Roman system, forms one of the most important branches of canon law; and it has exerted a widespread influence on the civil procedure of lay courts in all parts of Europe. While its chief influence in England was felt in the processes of the Court of Chancery it affected also the procedure of the common law courts, notably through the introduction of written pleadings. In many respects the canon law, both substantive and procedural, possessed equity features; for through its foundation upon the ideas of sin and morality it stressed the element of individual conscience, as in its requirement of *bona fides*, and enforced legal processes *in personam*. In the period of the ecclesiastical chancellors some of these equitable features of the canonical system were received into the English system of equity. The Court of Chancery became a tribunal of conscience and developed a procedure *in personam*, based on the ecclesiastical procedure, which is still an integral and characteristic feature of the equitable part of the modern legal system of England and of countries which, like the United States, have derived their law from England.

In the *Corpus juris canonici* and the literature of the canonists based upon it the canon law reached its perfection as the classic expression of the legal ideas of the Roman Catholic church. The rise of territorial states to the dominance of the modern world has meant, however, a corresponding decline in the position of the church which is reflected in the history of the canon law. Many of the ideas of the mediaeval canon law still persist as vital factors in the life of society; but in general these ideas find their present day embodiment in the secular laws of the world. The scope of the canon law itself, now codified in the *Codex juris canonici*, has been gradually curtailed. The canon law has lost much of that secular character which made it in the Middle Ages a common and universal law; but, on the other hand, its spiritual character has been given a new emphasis and significance. Adapting itself to the changing conditions of the world since the Reformation the canon law, now restricted in its application to the purely ecclesiastical sphere, is still the principal factor in the control of the Roman Catholic church as a world wide institution and in the spiritual life of all the members of the church, clergy and laity alike. Within its special province the canon law is therefore one of the leading forces in the social life of the present day world. As a means of stabilizing society in the interests of order and justice it holds a prominent position among the legal systems of the world. Its function is similar to that of the many national systems of law and of that body of international law which has as its chief purpose the preservation of peace and the administration of justice among all the states of the world. By holding firmly to her canon law and giving it a modern and codified form the church has preserved and strengthened one of the most effective agencies for the legal and moral discipline of society.

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See: ECCLESIASTICAL COURTS; PAPACY; BULL, PAPAL; BENEFIT OF CLERGY; RELIGIOUS INSTITUTIONS; COMMENTATORS; GLOSSATORS; ROMAN LAW; CIVIL LAW; COMMON LAW.

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canonistischen Lehre (Jena 1863), and *Studien in der romanisch-kanonistischen Wirtschafts- und Rechtslehre*, 2 vols. (Berlin 1874–83); Ashley, W. J., *An Introduction to English Economic History and Theory*, 2 vols. (4th ed. London 1914–23) vol. ii, ch. vi; Carlyle, R. W. and A. J., *A History of Mediaeval Political Theory in the West*, vols. i–v (Edinburgh 1903–28); Kehl, Paul, *Die Steuer in der Lehre der Theologen des Mittelalters*, Volkswirtschaftliche Studien, no. 17 (Berlin 1927).

CÁNOVAS DEL CASTILLO, ANTONIO (1828–97), Spanish statesman and writer. Cánovas graduated as lawyer from the University of Madrid, but turned to politics rather than law. He held his first ministerial post in 1864. His real prominence, however, began with the exile of the queen, Isabella II, in 1868. He worked actively and openly for the restoration of the house of Bourbon, receiving special powers for that purpose from the queen; and on December 31, 1874, he brought his plans to fruition with the proclamation of Alfonso XII, son of Isabella II, as king. He was president of the ministerial council from that date until 1881 and on several occasions thereafter. While serving in this capacity he was assassinated by the Italian anarchist Angiolillo.

During his lifetime Cánovas exercised greater influence in Spain than any other man in public life. He drafted the constitution that was in force from 1876 to 1923 and included in it his conception of the *principe monarchique*, a conception akin to the French doctrine of Royer-Collard and Guizot. Cánovas was also influenced by the German historical school. He held that the monarchy was identical with the Spanish state and that the monarch was not an instrument of government subject to creation by the national legal consciousness, since his very title to legitimacy was "continuity in tradition." Cánovas succeeded in imposing upon the rival liberal party his conception of the monarch as the direct source of governmental power. He thus achieved peace, but at the expense of the political education of Spain and consequently of its internal, constitutional development.

His authoritarian view of the state made it difficult for him to grasp colonial problems and imparted to his parliamentary proclamations of July 1, 1890, all the intransigeance of a death struggle. "Spain," he said, "will spend its last peseta and the blood of its last man to keep Cuba." The liberals tried to correct this policy but failed. Cánovas was a thoroughgoing protectionist, the author of an important commercial treaty between the United States and Spain, negotiated in July and August of 1890.

Cánovas was generously gifted with literary, philosophical, political and historical talents. His political and social works were collected in *Problemas contemporáneos* (3 vols.); Spanish culture during the first half of the nineteenth century is described in *El solitario y su tiempo* (2 vols.). Of his historical works, the following deserve special mention: *Bosquejo histórico de la casa de Austria en España* (ed. by J. Pérez de Guzmán y Gallo, Madrid 1911) and *Estudios del reinado de Felipe* IV (2 vols.), both of which are devoted to a keen analysis of Spanish decadence in the seventeenth century.

FERNANDO DE LOS RÍOS

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CANTILLON, RICHARD (1680?–1734), author of the *Essai sur la nature du commerce en général*. This single surviving work of a forgotten banker was written probably in French and as early as 1725 but was not published until 1755 when it appeared in the guise of a translation from the English. It was rediscovered and popularized about 1880 by Stanley Jevons, who hailed it as "the cradle of political economy."

The *Essai* is devoted in part to the principles of wealth and in part to those of exchange and foreign trade. Although the treatment of the latter is intelligent it was only the former which had a marked effect upon subsequent economic thought. The physiocrats acknowledged their debt to the *Essai*, several Englishmen, such as Postlethwayt and Harris, drew heavily from it without acknowledgment and Adam Smith recognized its contribution.

Cantillon insists that currency, whether paper or coin, is not the true measure of the wealth of a state and boldly transfers the problem from the field of circulation to that of production. He maintains that the source of all wealth is the land. Returns from the land comprise three kinds of income: the first pays the expense of cultivation; the second pays the profit of the operator; finally the third goes to the owner. Non-agricultural enterprises offer no equivalent to the third kind of income. This was to be the "fundamental truth" of the physiocrats. Following Petty he concludes that the intrinsic value of all commodities is determined by a certain amount of land or of labor. While his conclusion is still tentative and indefinite it nevertheless points beyond the physiocrats and already foreshadows the monumental simplification of Adam Smith.

G. WEULERSSE

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CANTOS Y BENITEZ, PEDRO DE (dates of birth and death unknown), Spanish economist and statesman, active at the middle of the eighteenth century. Cantos wrote *Escrutinio de maravedises* (Madrid 1763) to furnish a basis for determining the sums required to pay obligations in terms of money no longer current and to explain the depreciation of vellon or copper money, chronic after 1599. This history of Castilian money, written largely from primary legal sources, though imperfect in many respects is one of the best monographs on Spanish economic history ever produced by a native scholar. Particularly original is his explanation of the depreciation of vellon money. According to this explanation depletion of the public treasury obliged Philip III to coin large quantities of base vellon; Philip IV, embroiled in costly foreign wars, continued and enlarged the issues; since vellon was unacceptable abroad, a premium on silver emerged; depreciation of vellon on the foreign exchange spread to wholesale trade and thence to retail trade, salaries and wages. In an alternative explanation Cantos attributed excessive importance to the decay of the long established institution of public money changers, but he emphasized much less than most contemporaries and predecessors the supposed smuggling of counterfeit vellon into Castile. The prestige Cantos derived from membership in the councils of Castile and of the Inquisition and the frequent citations of rare ordinances in the book have made *Escrutinio de maravedises* a favorite source for subsequent writers on the monetary history of Castile.

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Consult: Colmeiro, Manuel, *Biblioteca de economistas españoles* (new ed. Madrid 1880) p. 64.

CAPITAL is a word derived from the adjective form *capitalis* (Latin root *caput*, head), meaning principal, chief. Its various meanings as a substantive are explained as the "several elliptical uses of the adjective" (*Oxford Dictionary*). As first used in commerce capital meant an interest bearing sum of money. The manifold derivative meanings are all of two types, the one implying ownership of a valuable source of income, the other the stock of physical goods constituting the income source. The one idea was from the first characteristically individual, acquisitive and commercial, that of any financial fund having a monetary expression; the other idea was characteristically impersonal and technological, that of the physical goods used to extract, transport, create or alter goods: ships, stores of merchandise, money, tools, machines, houses and, usually but not always, lands.

By a simple association of ideas the original thought of capital as a "fund" for investment was generally connected with lending by the class of passive capitalists, but capital as a "stock" of instruments was connected with borrowing by active enterprisers for the purpose of buying the physical instruments of trade and manufacture. This contrast disappeared, however, when the active enterpriser was pictured as neither borrower nor lender but one who "invests" (clothes) his purchasing fund in the physical equipment in his own possession. Thus the business as a whole might be thought of either as the sum or fund of purchasing power invested, or as the mass of goods which, although not bought with borrowed funds, embodied the owner's business fund.

These two types of capital concepts are so distinctive in essential thought and practical application that confusion inevitably resulted from the use of one word to designate both. This confusion occurred not later than the early years of the seventeenth century, when capital was defined by Cotgrave in 1611 as "wealth, worth; a stocke, a man's principall, or chiefe, substance." Here the idea of "worth," implying a valuation, is thoroughly mixed with that of substance, no doubt in the sense of material things in possession. "Capital" thus used is a superfluous and confusing synonym of wealth, goods and stock.

This transition and duplication of terms was confirmed by association of the words capital and stock. The latter, an old Germanic root word, developed in English manifold meanings. The term stock was used in business in the sixteenth century as "a collective term for the implements and the animals employed in the working of a farm, an industrial establishment, etc."; and at the same time as "a capital sum to trade with or to invest." Even earlier, in the fifteenth century, stock meant "a sum of money set aside to provide for certain expenses; a fund," but this became obsolete.

As English trading companies developed after the fifteenth century, the terms joint stock, capital stock, stock and capital were used with little clear distinction. Adam Smith (*Wealth of Nations*, bk. v, ch. i, pt. iii, art. i) says of the East India Company, chartered in 1600 by Queen Elizabeth: "In the first twelve voyages which they fitted out for India, they appear to have traded as a regulated company, with separate stocks, though only in the general ships of the company. In 1612, they united into a joint-stock." This and other similar examples indicate that at first the "stocks" meant the physical merchandise composing the cargo, and a joint stock company was one in which these stocks were held jointly instead of severally. But Smith refers at once to the "capital" of the joint stock company as so many thousand pounds sterling. His treatment of capital as a whole manifests all the errors that have accompanied the use of this elusive term ever since: the employment of the term as meaning both investment fund and goods bought with it or sometimes "talents" or "skill" acquired by means of it, and as denoting both value and a stock of physical agents, etc. Incidentally Smith suggests a thought that was destined to grow until a certain kind of "circulating" capital, subsistence for laborers, came to be looked upon by J. S. Mill and others as the very essence of the capital concept.

In the three quarters of a century after 1776 the changes in machine production and transportation and in financial and commercial organization were epoch making. Not only did factories owned by individuals and by partnerships increase greatly in size and resources, but great corporations building and operating factories, canals, railroads, steamships, commercial enterprises and banks were chartered and their shares widely distributed to subscribers. At the same time the functions of banks and the agencies for investment of capital funds grew apace. These changes put into the foreground of attention the thought of capital as investment, both active and passive. Whether as cause or as effect this change was accompanied by the ever increasing attention given to commercial profits as contrasted with national welfare (or rather profit was assumed, in the doctrine of laissez faire, to be identical with welfare). It was during this period too that the word stock was increasingly displaced by "capital." In Ricardo's work (*Principles of Political Economy*, 1817) this transition is perhaps half completed. His "profits" is still from the first word "the profits of stock," and the phrase recurs occasionally, but his training and interests account for his few references to "stock" as physical agents used in technical processes, and for his many references to employers' investment expressed with the pounds sterling symbol. The emphasis is different from that of Smith, but the confusion of two meanings remains.

J. S. Mill, however, (*Principles of Political Economy*, 1848) scarcely uses the word stock after the definition of capital as "this accumulated stock of the produce of labor." But the "function of capital is production," the goods mentioned are all physical and usually their function is described as technological. He is soon, however, hopelessly confused in attempts to distinguish between capital to the individual and capital to the nation. The "capital" employed in production is "worth ten thousand pounds." The chapter on "increase of capital" is mostly concerned with "the produce of past labor"—physical objects; but that on "the profits of capital or stock" treats mainly a "rate" of profits on a valued investment. Mill stumbles at length into the notion that all advances "have consisted of nothing but wages," a large portion as direct payment and the rest as "previous advances" which "consist wholly of wages." Nothing could be more explicit—or more erroneous as an explanation of the origin of capital values—ignoring as it does every influence from scarcity of natural materials, from monopoly, from previous profits, from manifold speculative influences and from recapitalization (the revaluation of agents). Mill's capital concept at this point is the fruit of his labor theory of value—herein, however, he has substituted wages for Ricardo's quantity of labor, thereby better concealing the difficulty due to various qualities and values of labor.

The capital concept remained in the circle of English "liberal" price economists as Mill had left it until the late eighties. Among them Marx's conception of capital as an agency of exploitation found no echoes. Yet unquestionably there was here an aspect of truth, one which at that time and since then has been given wide recognition in Germany. Capital both with Marx and with Mill involved the confusion of acquisition and "production," Marx seeing chiefly the acquisitive and Mill the technical aspect. Classification of capital as one of the three factors of production implies its physical nature and its technological function. Its yield (profit, or interest, as by preference it began to be called) was assumed to be coordinate in nature with rent (of land) and wage (of laborer); yet profits (or interest) as a rate percent of an investment manifestly does not fit into this scheme, and there is a consequent confusion in the theory of incomes.

The psychological school after 1870 made earnest attempts to revise the prevailing capital concept. Jevons, in his incomplete studies of capital (e.g. *The Theory of Political Economy*, 1871, ch. vii; also appendices i–ii in 4th ed. London 1911), offered some original suggestions, but in the end adopted Mill's subsistence (food for laborers) concept. Böhm-Bawerk (*Kapital und Kapitalzins*, 2 vols., 1884–89) as a disciple of Menger sought to make the theory of capital his peculiar domain, but after beginnings which pointed toward a value investment concept and after painstaking studies of earlier views he adopted the conventional confused concept of "capital in general" as "a group of [physical] products which serve as means to the acquisition of goods." This foredoomed him to a productivity theory of interest—the very thing he had attempted to avoid. He also developed a sort of subsistence theory of capital investment in connection with his periods of production in "the roundabout process." J. B. Clark, while engaged in controversy over the single tax, detected the duality of the "orthodox" Mill-Ricardian capital concept and proposed (*Capital and its Earnings*, 1888; also *The Distribution of Wealth*, 1899) to match it with twin terms, "capital-goods" or physical agents including land, and "pure capital" as the (supposedly) permanent fund of value resident in them. Yet in accounting for "the genesis of capital" (physical) and for the capital value Clark too lapsed inconsistently into the old labor theory of value.

Clark's eclectic terminology of "capital goods" and "pure capital," although an unfortunate compromise, has had wide vogue. His reformulation served to stimulate much further discussion, some futile and some fruitful. Partly no doubt this discussion, partly the rapid changes in business organization, notably incorporation, banking, financial investment and more refined accounting, have caused the trend in recent economic texts toward the more general usage of capital in the valuation, property, investment sense of the terms.

The history of the capital concept helps to explain the early and still persistent confusion of money (a part) with capital (as the whole, of a person's fund of purchasing power) and this, in mercantilist doctrine, with wealth in general. The discussion of the ethical justification of interest (first in the original sense of a premium for a money loan, then in the widened sense of any income from private property) easily became confused because of the ambiguity of "capital." The conservative justified acquisition through capital ownership by pointing to the value of the technological uses of physical wealth; the communist denied to wealth any valuable technological uses, attributing all value to labor and depicting private property as merely a tool of exploitation used by employers to rob the workers of the "surplus value" they had created.

Economic as well as ethical interest theory has suffered from this ambiguity. All use and productivity theories are attempts to explain the rate of premium (or yield) from a financial fund (capital value) by reference to the rent or usance value of a stock of indirect technical agents, without a theory of capitalization to explain first the value of the capital sum or principal.

The terms fixed and circulating capital are distorted expressions of the truth that various kinds and various portions of investments are more or less readily saleable, confused with the technological truth that various physical agents are more or less durable in nature.

The definition of capital determines in turn the meaning more or less vaguely attached to such phrases as capitalistic system, the growth of capitalism and the capitalistic age. Some see in capitalism essentially the use of labor saving machines (perhaps also power driven); this is a technological conception of capitalism. Others, more eclectic, see in capitalism essentially the wage system where the employer owns all the physical agents. But consistently with the value concept capitalism is merely the price system, the commercial exchanging organization of industry, where valuations, incomes and property take on the financial expression.

It is necessary to distinguish certain popular uses of the term capital, notably "nominal capital" of a corporation as the total face value of shares of stock outstanding, taken at par (or sometimes the total authorized); this, however, can mean only number of shares in the now frequent cases of shares with no par value. Sometimes nominal capital is used to mean the total denomination value of all securities, even bonds, and "capital of a corporation" as denoting these taken at their market value. None of these is properly called "capital" but rather "nominal value [or market value respectively] of corporation shares or securities." Capital as applied to corporations is rather a figure of speech than a consistent scientific term, inasmuch as a corporation (a person only by legal fiction) has revenues and receipts rather than "incomes," and assets (physical or intangible sources of revenues) rather than capital.

While recognizing divergent usage, we may define capital as the market value expression of individual claims to incomes, whether they have their sources in the technical uses of wealth or elsewhere. This is essentially an individual acquisitive, financial, investment, ownership concept. It is a "fund" only in the financial sense, not a stock of wealth. It is the sum, in terms of dollars, of the present worths of various legal claims. It therefore includes the worth of all available and marketable intangibles, such as credits, promises, good will, franchises, patents, etc. as well as the worth of claims to the uses of physical forms of wealth. Their summation as a financial fund is the resultant of a capitalization process. Physical objects of value are not capital, being sufficiently designated as goods, wealth or agents.

Capital as here defined is a conception of individual riches having real meaning only within the price system and in the market place where it originated, and developing with the spread of the financial calculus in business practise.

FRANK A. FETTER

See: WEALTH; VALUE; INCOME; INTEREST; PRODUCTION; LAND; ECONOMICS; CAPITALISM; CREDIT; ACCUMULATION; FORTUNES, PRIVATE; SAVINGS; CORPORATION FINANCE; CAPITALIZATION; INVESTMENT; FOREIGN INVESTMENT; WEALTH, NATIONAL.

Consult: Cannan, Edwin, "Early History of the Term Capital" in *Quarterly Journal of Economics*, vol. xxxv (1920–21) 469–81, and comments on it by R. D. Richards and H. R. Hatfield in *Quarterly Journal of Economics*, vol. xl (1925–26) 329–38 and 547–48; Cannan, Edwin, *A History of the Theories of Production and Distribution* (3rd ed. London 1924); Böhm-Bawerk, Eugen von, *Kapital und Kapitalzins*, 2 vols. (4th ed. Jena 1921), tr. by W. Smart as *Capital and Interest* (London 1890), and *The Positive Theory of Capital* (London 1891); Davenport, H. J., *Value and Distribution* (Chicago 1908); Spiethoff, A., "Die Lehre vom Kapital" in *Die Entwicklung der deutschen Volkswirtschaftslehre im neunzehnten Jahrhundert*, 2 vols. (Leipsic 1908) vol. i, no. iv; Passow, Richard, *Kapitalismus* (2nd ed. Jena 1927); Oppenheimer, Franz, *Theorie der reinen und politischen Oekonomie*, 2 pts. (5th ed. Jena 1923–24) pt. ii, p. 565–606; Fisher, Irving, *The Nature of Capital and Income* (New York 1906); Fetter, F. A., "Recent Discussion of the Capital Concept" in *Quarterly Journal of Economics*, vol. xv (1900–01) 1–45, and *Economic Principles* (New York 1915) pt. iv, and "Clark's Reformulation of the Capital Concept" in *Economic Essays Contributed in Honor of John Bates Clark* (New York 1927) p. 136–56; Veblen, T. B., "On the Nature of Capital" reprinted in *The Place of Science in Modern Civilization* (New York 1919) p. 324–86.

CAPITAL LEVY is a form of taxation designed to appropriate to the state not merely a part of the income from capital but a part of the capital itself. It is always conceived of as an emergency measure, applicable to all capitals above exempted minima, and thus differs from inheritance and estate taxes, which, although they may appropriate a share of the capitals affected, are applicable only to the fraction of all wealth descending by death. Estate and inheritance taxes form a part of the ordinary resources of the treasury, while the capital levy is collected once for all and is intended to be set apart for a specific purpose, usually the sinking of the public debt.

The idea of a capital levy as a device for the abolition or reduction of public debt is not new. Archibald Hutcheson suggested it in his tracts of 1714 and 1717 and later in his *Collection of Treatises Relating to the National Debts and Funds* (London 1721). Hume ("Of Public Credit," *Political Discourses*, Edinburgh 1752) rejected it upon grounds of practicability and justice. Ricardo defended the plan in his *Essay on the Funding System* (published in 1820 in the 6th ed. of the *Encyclopaedia Britannica*) and in his parliamentary speeches. It was rejected by J. S. Mill (*Principles of Political Economy*, 1848).

The plan of a capital levy became an object of general discussion after the World War in consequence of the vast increase in public debts. The advocates of the levy may be divided roughly into two groups: those who wished to reduce the debt and thus the interest charges in order that the tax burden might be lightened, and those who wished to free the state from the burden of debt charges in order to allow it to make appropriations for social purposes. The former group, like the early advocates of the capital levy, saw in it a mere capitalization of ordinary taxes. Every capitalist was in effect saddled with the interest on a certain proportion of the debt. He would be no poorer if he cleared off this proportion once for all by surrendering an equivalent part of his capital. The latter group saw in the capital levy a means of redistributing wealth. Most plans for a capital levy provided a certain exemption and applied the principle of progressive rates. Usually it was proposed to tax the net wealth of individuals but to exempt corporations.

As a rule the discussion turned on questions of practicability rather than on questions of principle. The fundamental problem was one of methods of payment. Advocates of the levy considered that payment could be made in cash, in public debt certificates or even in other securities. Some foresaw creation by the state of a special financial organ with the function of accepting and liquidating securities or even real estate surrendered in payment of the tax. There were others who proposed that the state should administer these investments instead of realizing on them. This proposal was criticized on the ground that it would represent the beginning of socialism.

Opponents of the levy maintained that enormous difficulties would be encountered in the process of payment. Few taxpayers would be able to pay in cash or in public certificates. Most private capitals, it was pointed out, consist of industrial or bank securities. The treasury could not accept them all. Would it publish a list of accepted securities to which it would thus be giving its official seal? And what would it do then with these securities? If it sold them a tremendous disturbance on the exchange would follow. If the treasury kept the securities it received instead of realizing on them a grave question would arise as to the competence of the bureaucracy to administer such important assets. Finally, many taxpayers had only their particular industrial, agricultural or commercial business. Like the capitalists with securities unacceptable to the treasury they would be obliged to borrow to discharge the tax. Their credit would be inferior to government credit and the interest they would have to pay would exceed the amount of taxes from which they would be relieved by the extinguishing of their proportionate share in the public debt. Moreover, important corporations or large capitalists could discharge the tax more easily than the more modest industrialist, agriculturalist or business man. The effect of the levy would thus be to stimulate economic centralization.

In a number of cases attempts were made to apply the capital levy in practise, but the results were by no means so clear cut as the theoretical conclusions. In Germany the law of December 31, 1919, introduced the *Reichsnotopfer* (emergency sacrifice levy), which was conceived of as an extraordinary tax to amortize the debt and to restore the national finances. All fortunes were taxed; only the sum of 5000 marks for each taxpayer was exempt, a like sum for his wife and for each child after the first. The rate was progressive, 10 percent on a capital of 50,000 marks or under, 12 percent on capital between 50,000 and 100,000 marks. It increased gradually until, above 7,000,000 marks, it finally reached 65 percent. These rates were applied to natural persons. For corporations the rate was uniformly 10 percent. The taxpayers who were unable to pay at once could meet their obligations by annuities equivalent to 5 percent of the amount of the tax, plus 1.5 percent for amortization.

The provisions for postponed payments changed completely the spirit of the law. Instead of a capital levy it turned out to be a supplementary income tax. Fortunes were to be appraised as of December 31, 1919, and the amount of the tax determined on that basis. As a matter of fact, the taxable fortune was almost always less than the real fortune. Industrial plant, for example, was appraised according to its purchase price without considering the depreciation of the mark. As the mark continued to depreciate sharply, assessments, although they were figured in millions, finally represented only a small fraction of the real fortune.

The law of April 8, 1922, introducing the *Vermögenssteuer* (ordinary tax on capital) provided that the *Notopfer* would be levied only up to the amount of 40 percent of the sums due. The rest would be replaced during a certain number of years by special taxes supplementary to the *Vermögenssteuer*, which was to be determined according to fortunes as of December 31, 1922. But in 1923 came the complete collapse of the mark. The evaluation of December 31, 1922, no longer had any significance. The *Vermögenssteuer* was canceled. When it was reorganized in 1925 there was no longer any question of special supplements.

Finally the sums that were collected as a levy on capital were not used to amortize the debt but were simply treated as part of ordinary financial receipts.

A capital levy was instituted in Italy by royal decree of November 24, 1919. All property, whether owned by citizens or aliens (diplomatic agents excepted), was subject to the tax. In consequence of extension of time granted the taxpayers, however, it lost all the characteristics of a true capital levy and was transformed into a supplementary income tax. As in the case of Germany, the receipts from this extraordinary tax, although intended for debt amortization, were treated as part of the ordinary treasury receipts.

The only country in which the capital levy yielded substantial results was Czechoslovakia. Here the circumstances of its introduction were peculiar. To prevent the influx into Czechoslovakia of notes which the bank of Vienna continued to issue, the Czech government had undertaken to nationalize its currency. To this end all notes circulating in Czech territory had to be presented for stamping at the beginning of 1919. Half of the notes were retained by the authorities, who delivered in exchange 1 percent forced loan certificates. Half of all deposits in the bank of issue and half of the treasury certificates were likewise commandeered and applied to the forced loan. To amortize this loan and to restore its finances the government by a law of April 22, 1920, introduced a levy on capital applying to all fortunes in excess of 50,000 crowns. The rate began with 4.5 percent and increased slowly to a maximum of 50 percent above 100,000,000 crowns. Payment was to be made in ten or twenty-year periods and time extensions could be granted in certain instances. Property was to be assessed as of January 1, 1920. The yield of the tax had been estimated at 10,000,000,000 to 12,000,000,000 crowns, but the actual yield was about 6,000,000,000, approximately 600,000,000 or 700,000,000 gold francs. Payments were largely effected by means of the forced loan certificates, and the receipts served effectively to amortize the public debt.

Whatever may be said in defense of the principle of the capital levy, it must be admitted that the question generally presents itself from the practical angle only when the finances of the state are disorganized and currency is in course of depreciation. Such conditions are extremely unfavorable for carrying out a large levy. On the other hand, when finances are running smoothly, when the budget is balanced and the currency stabilized, everyone or nearly everyone shrinks from such an experiment which threatens to destroy a painfully acquired equilibrium.

B. S. Chlepner

See: War Finance; Forced Loans; Public Debt; Public Finance; Sinking Fund; Capitalization and Amortization of Taxes; Property Tax; Taxation.

Consult: Chlepner, B. S., *Le prélèvement sur le capital dans la théorie et la pratique* (Brussels 1925); American Economic Association, Committee on War Finance, "Report" in *American Economic Review*, vol. ix, no. i, supp. no. ii (Princeton 1919) p. 69–74; Birck, L. V., *The Scourge of Europe: The Public Debt* (London 1926) ch. xiv; Dalton, Hugh, *The Capital Levy Explained* (London 1923); Lawrence, F. W. P., *A Levy on Capital* (London 1918); Great Britain, Treasury, Committee on National Debt and Taxation, *Report*, Parliamentary Papers by Command, Cmd. 2800, 4 vols. (London 1927); Nicholson, Joseph S., *War Finance* (2nd ed. London 1918) ch. xlvi; Pigou, A. C., *A Capital Levy and a Levy on War Wealth* (Oxford 1920), and *The Political Economy of War* (London 1921) ch. xvii; Raiter, Michel, *Le prélèvement extraordinaire sur le capital en France et à l'étranger* (Paris 1927); Shirras, G. F., *The Science of Public Finance* (2nd ed. London 1925) p. 539–49; Stamp, J. C., *The Fundamental Principles of Taxation in the Light of Modern Developments* (London 1921) p. 155–65; Lew Ping Yeh, *L'impôt sur le capital en pratique (1919–23)*, (Paris 1924).

CAPITAL PUNISHMENT is the practise of deliberately putting to death an offender as a measure of social policy imposed by the governing authority of the community. It is not safe to generalize about the prehistoric laws and customs from which this practise originated, for like all such laws and customs they are wrapped in obscurity and must have varied most widely in different ages and in different types of communities. If we may judge of them by what we know of the scattered communities of primitives who have in the last half century come under scientific observation we are forced to conclude that within the relatively small group of kinsfolk comprising a primitive community human life was a commodity too precious to be sacrificed for any but compelling reasons. The one reason apparently common to all primitive societies was the necessity of ridding the group of a member who had brought upon it the wrath of a dreaded deity by the gross violation of a tabu, such as killing the totem animal of the tribe or committing incest. Homicide, theft and other secular offenses were not primarily the concern of the community but rather of the injured party or of his immediate family, who might at will take summary vengeance or compound the felony by taking compensation (composition) from the offender or his family. Such composition seems to have been usual.

In the more advanced civilizations represented by the city-states or empires that developed in the valleys of the Euphrates and the Nile—from the Babylon of Hammurabi in the twenty-first century B.C. to the Israelitish kingdom fifteen hundred years later—we find death the invariable penalty for wilful homicide as well as for a variety of sexual and other religious and quasi-religious offenses, with the rule of exact retribution, such as "an eye for an eye," governing other types of offenses. Early Roman law, as represented in the Twelve Tables, and the customary law of the Germanic tribes display the general characteristic of ancient law, which is to regard all offenses against individuals, including homicide, as the private concern of the injured. There was no punishment but only compensation in money or goods to be paid to the injured party. As in more primitive societies the only offenses punishable by the state were those against the state, such as treason or the violation of certain religious sanctions, and the state had but one punishment—death.

Capital punishment for homicide and other secular offenses may be said to have come in with the modern state and its growing recognition of the obligation to maintain peace and order within its boundaries. The practise was most unrestrained in the mediaeval period, when the states of Europe cooperated with the church in a ruthless warfare of extermination against witchcraft and heresy, and again at a later period, when England, far in excess of other European countries, employed the death penalty on an unprecedented scale in the effort to suppress crime of every description. The European tradition of the seventeenth and eighteenth centuries was not Roman but barbarian, and the early stages of public justice were characterized by excessive barbarity both in the discovery and in the punishment of crime.

The English colonies in America took over English penal law and policy with many modifications and variations. Capital punishment was everywhere accepted, but while Puritan Massachusetts inflicted the death penalty for a dozen offenses Quaker Pennsylvania recognized only two capital crimes, murder and treason. Witchcraft in most of the colonies, as in England and elsewhere in Europe, was punished with death.

In the history of capital punishment since the intellectual renaissance of the eighteenth century there have been two alternating movements: one a trend toward limitation of the use of capital punishment and the adoption of so-called humane methods of execution; the other an ensuing reaction toward a more stringent application. This alternation has on the whole synchronized with the general history of liberal and social reform movements without developing any clear and lasting philosophy of the values involved in capital punishment.

The intellectual renaissance inspired a new humanitarian sentiment which, on the side of penology, found its most effective expression in the work of the Italian scholar, Beccaria, whose *Dei delitti e delle pene* (1764) was a reasoned protest against torture and the death penalty and won an immediate success. Catherine of Russia read it and decreed the abolition of capital punishment in that country. The work did much in England and America to stimulate the growing sentiment against the death penalty. Before the end of the century Sir Samuel Romilly and Sir James Mackintosh were moving the House of Commons, against the opposition of the Lords, to reduce the number of criminal offenses, then over two hundred, punishable with death. The French Revolution hastened the process of abolition on the continent but set up a reaction in England which retarded the movement there until 1832, when horse and sheep stealing ceased to be capital offenses. During the following years the list was steadily reduced until by 1861 there remained only wilful and deliberate murder and attempts against the government, offenses which are still punishable with death.

While this amelioration of policy was due primarily to the increase of humanitarian sentiment it was also in part an outgrowth of the contemporaneous secularization of thought, with the elimination of the ideas of sin and retribution and the increasing acceptance of the utilitarian principle laid down by Beccaria and embodied in the French Declaration of the Rights of Man that "the right to punish is limited by the law of necessity." This principle has become the controlling factor in modern penological theory and practise.

Since the disappearance of witchcraft accusations treason in time of war or revolution and wilful and premeditated murder are, as a general rule, the only two offenses which have been deemed sufficiently menacing to the social order to require or justify the infliction of the death penalty. In a few American communities, isolated from the prevailing tides of public sentiment, other crimes, such as rape, robbery or burglary, are still treated as capital offenses and in Georgia indictments have recently been returned charging attempts to incite rebellion, with a demand for the infliction of the death penalty as provided by law. Since the middle of the last century there has been a marked though intermittent movement throughout the western world to abolish the death penalty even for murder. This abolition has been achieved in Austria, Norway, Sweden, Finland, Denmark, Holland, Belgium, Portugal, Italy (partly restored in 1926), Latvia, Rumania, Lithuania, Czechoslovakia, Hungary, Russia and most of the cantons of Switzerland. Even more sweeping has been the process in Central and South America, where only six states (four of them under foreign control or influence) retain the death penalty for murder. Of the British colonies only Queensland in Australia has abolished capital punishment. Only twelve of the forty-eight American states have abolished the death penalty for murder, and of these four have revived it in the reaction resulting from the late war. Thirty-two other states have enacted a compromise policy under which the court or jury decides whether the penalty shall be death or imprisonment. In the remaining eight states, as in the federal law, the death penalty is still mandatory. It is perhaps to the influence of Great Britain that we may, in a measure, attribute the slow progress of the abolition movement in the American states. Penal legislative policy in England is still dominated largely by the same classes of well born and well-to-do which resisted the reform of the penal code a century ago. Penal policy in the United States is in much the same degree influenced by the legal profession, with its natural conservatism reenforced by a traditional veneration for English law and procedure. In a large proportion of cases, however, the law is nullified by the jury's refusal to convict or, as was generally the case for long periods in many of the countries which have now abolished the death penalty—and invariably so in Belgium—by the exercise of executive clemency. France of late years has executed less than one third of the condemned criminals subject to the death penalty, and in 1928 Germany did not execute one of the forty sentenced to death.

Methods of inflicting the death penalty have varied widely, from the most casual, such as abandoning the malefactor to the fury of the mob, to the elaborate system of torture which in the seventeenth and eighteenth centuries in England was a frequent concomitant of public execution by hanging. In the classical period of Greece freemen were disposed of by the administration of poison, slaves by beating with staves or by stoning. Rome hurled her ordinary malefactors from the Tarpeian Rock or stoned them to death, crucifixion being reserved for slaves or for the lesser breeds without the law. Beheading with a sword or axe became common in middle and western Europe in the Middle Ages, but in England was ultimately limited to malefactors of high degree, all others being hanged. Death by burning, employed in the ancient world only for crimes involving some religious abomination such as incest, was taken over by the western world for putting an end to witches, or sorcerers, heretics and the like. The practise of burning women as witches led, in England at least, to the employment of this method of inflicting the death penalty on women convicted of felony, and up to the middle of the eighteenth century Negro and other slaves convicted of murder, arson or conspiracy to commit one of those crimes were burned to death in New York, New Jersey and other American colonies.

While France and a few other countries retain the guillotine the more general method of execution today is hanging, except where in the United States other methods deemed more humane have been substituted. Led by New York in 1888, twenty-one states, including the District of Columbia, now employ electrocution, while one, Nevada, kills with lethal gas and another, Utah, gives the victim the choice of hanging or shooting.

No method thus far tried has sensibly mitigated either the interest or the horror which the infliction of the death penalty excites in the public mind. Although it takes place within prison walls in the presence of only a handful of people it is still, just as it was when performed in the public square, essentially and unavoidably a public spectacle. That it is a demoralizing spectacle cannot be doubted and it may well be believed that the millions who read of it in the public press and who make it a matter of excited discussion are less affected by the lesson it aims to teach than by emotions of sympathy or even of emulation for the tragic victim. There are many unstable, wavering, suggestible personalities in this vast, invisible audience, and it is a matter of record that notorious executions have often been followed by what newspapers call an epidemic of murder. It is not unreasonable to believe that the total abolition of the death penalty would be conducive to a greater respect for human life in the community at large. Such views are held today by many, probably a large majority, of social workers, criminologists and other students who urge instead a sentence of life imprisonment with some scheme of commutation of sentence in connection with reconstructive psychological and educational treatment. Those who favor the continued use of the death penalty have long since ceased seriously to use any argument but that of a postulated necessity.

Capital punishment maintains its hold as a human institution because of the fear and resentment which murder excites and because of a persistent faith in its necessity either as a deterrent influence or as the only conclusive means of protecting the community against a convicted malefactor. For this faith there is not the slightest evidential support. Again and again in European and American states capital punishment has been abolished without any resulting increase in the homicide rate, and in many cases its revival has not resulted in the slightest diminution. Statistical evidence is uniformly negative. Indeed, a study of murderers and of the conditions under which murder takes place tends to indicate conclusively that of all criminals the murderer is the one least likely to be deterred by contemplation of the legal consequences of his act. Another important consideration is the fact that where conviction will mean death juries hesitate to pass an irrevocable sentence, and thus allow men of probable guilt to go free. As a consequence fear of capital punishment is probably much less of a deterrent than fear of a less extreme but more certain punishment would be.

George W. Kirchwey

See: Punishment; Crime; Criminology; Pardon; Sanctuary; Political Offenders; Humanitarianism.

Consult: Malinowski, B., *Crime and Custom in Savage Society* (New York 1926); Sumner, William G., *Folkways* (Boston 1907); Amira, K. von, "Die germanischen Todesstrafen" in Koeniglich-Bayerische Akademie der Wissenschaften, Philosophisch-philologische und historische Klasse, *Abhandlungen*, vol. xxxi, no. 3 (Munich 1922); Pool, David de S., *Capital Punishment among the Jews* (New York 1916); Farrer, James A., *Crimes and Punishments, Including a new translation of Beccaria's 'Dei delitti delle pene'* (London 1880); Voltaire, François M. A. de, *Commentaire sur le livre des délits et des peines* (Geneva 1766); Phillipson, Coleman, *Three Criminal Law Reformers: Beccaria, Bentham, Romilly* (London 1923); Bye, Raymond T., *Capital Punishment in the United States* (Philadelphia 1919); Calvert, E. Roy, *Capital Punishment in the Twentieth Century* (London 1927); Kassel, C., "Recent Death Orgies: A Study of Capital Punishment" in *South Atlantic Quarterly*, vol. xxiii (1924) 295–309; Lawes, Lewis E., *Man's Judgment of Death* (New York 1924); Fürnrohr, A., *Die Todesstrafe* (Erlangen 1909); Liepmann, M., *Die Todesstrafe* (Berlin 1912); Oppermann, W., "Der Kampf um die Todesstrafe in Sachsen" in *Monatsschrift für Kriminalpsychologie und Strafrechtsreform*, vol. xii (1921–22) 261–81; Zurkuhlen, H., "Geschichtliches und statistisches zum Problem der Todesstrafe" in *Jahrbücher für Nationalökonomie und Statistik*, vol. cxxxi (1929) 255–68; Hall, J. W., "Capital Punishment on Trial," Howard League Pamphlets, n.s., no. 5 (London 1927).

CAPITALISM

The Concept of Capitalism. *Introduction.* The concept of capitalism and even more clearly the term itself may be traced primarily to the writings of socialist theoreticians. It has in fact remained one of the key concepts of socialism down to the present time. Nevertheless, it cannot be said that a clear cut definition has ever been attempted. Even Karl Marx, who virtually discovered the phenomenon, defined only certain aspects of capitalism as the occasion required. When the term is used by socialists in any definite sense it has the character of a political byword with a strong ethical tinge.

Despite the fact that capitalism tends to become the sole subject matter of economics, neither the term nor the concept has as yet been universally recognized by representatives of academic economics. The older German economists and to a much greater extent the economists of other countries rejected entirely the concept of capitalism. In many cases the rejection was merely implicit; capitalism was not discussed at all except perhaps in connection with the history of economic doctrines, and when it was mentioned there was no indication that it was of particular importance. The term is not found in Gide, Cauwes, Marshall, Seligman or Cassel, to mention only the best known texts. In other treatises, such as those of Schmoller, Adolf Wagner, Richard Ehrenberg and Philippovich, there is some discussion of capitalism but the concept is subsequently rejected. In the newer economics it is recognized as indispensable or at least useful, but the uncertainty as to its exact meaning is generally expressed by quotation marks about the word. Representatives of this school are little inclined to attempt the constructive development or more accurate analysis of the concept.

The works of Sombart are the first in which the concept of capitalism has been definitively recognized as fundamental to the system of economic thought. Here it is demonstrated that capitalism designates an economic system significantly characterized by the predominance of "capital," and it is argued that the word "capitalism," which by its very etymology suggests this feature of the economic system, must be retained as the appropriate term for it. The fact that this term has received a negative ethical emphasis in socialist literature should not qualify its use as a completely non-ethical designation for a definite economic system, particularly since there is apparently no better substitute.

Capitalism as a specific economic system cannot be understood without an analysis of the concept of economic system with a view to pointing out the function of this concept in economic science. Economic life is distinguished as a particular sphere of cultural life by the principle of "economy." This principle as a logical concept is removed from the realm of space and time, but "economy" in the sense of economic life is an existential complex with definite spatial and temporal aspects. All culture, and consequently all economy, is historical. As there is in the abstract no religion, no art, no language, no state, but merely a certain religion, a certain art, a certain language, a certain state, so there is no economy in the abstract, but a particularly constituted, historically distinguishable economic life.

The task of all the cultural sciences is to find ways and means by which to grasp cultural phenomena in their historical singularity. A certain field of culture is rendered scientifically mature when science learns to determine its place in history on the basis of its concrete historical manifestations and to distinguish it in its characteristic phases from other concrete manifestations of the same cultural principle. This is achieved by the introduction of a formative conception not derived from empirical observation, which makes possible the construction of systems. Thus linguistics utilizes the conception of inherent language form, the science of religion the conception of dogma, the science of art the conception of style.

Economic science likewise requires a constitutive conception in order to arrange its material in systems. The function of such a conception is to enable us to classify the fundamental characteristics of economic life of a particular time, to distinguish it from the economic organization of other periods and thus to delimit the major economic epochs in history. A conception which will make possible the systematization of economic phenomena must be derived directly from the notion of "economy," the essentials of which it must comprise, collate and connect—and not merely in their abstract form, not merely as ideas, but in the concrete, as definite historical facts. These requirements are satisfied by the general conception of the economic system. By an economic system is understood a mode of satisfying and making provisions for material wants which can be comprehended as a unit and wherein each constituent element of the economic process displays some given characteristic. These constituent elements are the economic spirit or outlook—the sum total of the purposes, motives and principles which determine men's behavior in economic life—the form of economic life or the objective system of regulations of economic relations, and the technology employed in economic processes. Defined more precisely, an economic system is a unitary mode of providing for material wants, animated by a definite spirit, regulated and organized according to a definite plan and applying a definite technical knowledge.

It will be observed that the economic system is superior to all other systematizing conceptions hitherto employed, because they stressed merely single prominent characteristics and made it possible to distinguish only single aspects of economic life, whereas the conception of the economic system is broad enough to comprehend every aspect. On the other hand, it is definite enough to encompass the historical concreteness of economic life and is thus far superior for the purpose of framing a system to purely formal ideas such as that of national economy (*Volkswirtschaft*). Finally, it is general enough to permit of application to every conceivable economic institution from the most primitive to the most highly developed.

The Spirit of the Capitalist System. The special character of capitalism will be brought out most clearly if we consider separately the characteristic forms which the three constituent elements—spirit, form and technology—assume in the capitalist system.

The spirit or the economic outlook of capitalism is dominated by three ideas: acquisition, competition and rationality.

The purpose of economic activity under capitalism is acquisition, and more specifically acquisition in terms of money. The idea of increasing the sum of money on hand is the exact opposite of the idea of earning a livelihood which dominated all precapitalistic systems, particularly the feudal-handicraft economy. In precapitalistic systems economic as well as all other thought and action was centered about the human being. Man's interests as producer or as consumer determined the conduct of individuals and of the community, the organization of the economic life of society as a whole and the ordinary routine of business life in its concrete manifestations. Goods were produced and traded in order adequately to meet the consumers' needs and to provide an ample livelihood for producers and merchants; the standards for the expectations of both consumers and producers were fixed by long established usage. The category of qualitative use value was the determining principle of valuation. All social and individual norms affecting economic processes were grounded in human, personal values. On the other hand, in systems dominated by the idea of acquisition the aim of all economic activity is not referred back to the living person. An abstraction, the stock of material things, occupies the center of the economic stage; an increase of possessions is basic to all economic activity. The idea of such an economic system is expressed most perfectly in the endeavor to utilize that fund of exchange value which supplies the necessary substratum for production activities (capital).

While acquisition constitutes the purpose of economic activity, the attitudes displayed in the process of acquisition form the content of the idea of competition. These attitudes, which are logically inherent in acquisition, may be described as freedom of acquisition from regulation by norms imposed upon the individual from the outside, the lack of quantitative limits to acquisition, its superiority over all other aims and its ruthlessness.

By reason of its freedom from regulation capitalism rests essentially on the individual's assertion of his natural power. Every economic agent may and should extend his sphere of action as far as the complete exercise of his powers will allow; in case of failure, however, he completely foregoes assistance. Economic activity is closely associated with personal risk, but the economic agent is free to strive for economic success in any way he chooses provided he does not violate the penal code.

There are no absolute limits to acquisition, and the system exercises a psychological compulsion to boundless extension. The fact that capitalistic enterprise has as its purpose a certain mode of utilizing a stock of goods signifies a complete divorce of the aims of capitalistic economy from the personality of the economic agent. The abstract, impersonal character of the aim indicates its limitlessness. Activity in the capitalistic system is no longer determined by the needs, quantitatively and qualitatively limited, of one person or of a group of persons. Profits, no matter how large, can never reach a level sufficiently high to satisfy the economic agent. The positive drive toward boundless acquisition is grounded in the conditions of management. It is empirically true, though not logically inevitable, that any enlargement of business reacts to its own advantage, at least quantitatively through an extension of its sphere of exploitation and sometimes also qualitatively through a reduction of costs. This provides the stimulus to the continuous expansion of a business, often contrary to the expressed wishes of its owners and managers. In this peculiar orientation of human activity upon an infinitely removed goal lies the reason for the dynamic potency of the capitalistic system, a potency which renders intelligible all its remarkable achievements.

Acquisition therefore becomes unconditional, absolute. Not only does it seize upon all phenomena within the economic realm, but it reaches over into other cultural fields and develops a tendency to proclaim the supremacy of business interests over all other values. Wherever acquisition is absolute the importance of everything else is predicated upon its serviceability to economic interests: a human being is regarded merely as labor power, nature as an instrument of production, life as one grand commercial transaction, heaven and earth as a large business concern in which everything that lives and moves is registered in a gigantic ledger in terms of its money value. Ideals oriented upon the value of the human personality loosen their hold upon man's mind; efforts for the increase of human welfare cease to have value. Perfection of the business mechanism appears as the only goal worth striving for; the means become an end. The vague notion of progress comes to include only such developments as advances in technology, reductions in costs, increase in the briskness of trade, growth of wealth. *Fiat quaestus et pereat mundus.*

Acquisition which is quantitatively and qualitatively absolute degenerates eventually into unscrupulousness and ruthlessness. Business draws practical conclusions from the revolutionary supremacy of its ideals and seeks, without consideration for any conflicting interests, to clear all obstacles to the limitless and unqualified exercise of acquisition. The intensity of the acquisitive drive attains a point at which all moral and temperamental inhibitions disappear and all conflicting drives become inhibited. The business man is "unscrupulous" in his choice of ways and means, because the selection is based exclusively on their serviceability in the achievement of the final goal, on their usefulness as instruments of acquisition.

When the direction of economic affairs is oriented solely upon acquisition it is inevitable that those modes of economic behavior should be adopted which seem most rational, most systematic, best adapted to the purpose in hand. In the old, precapitalistic economic organization, which is essentially traditionalistic and static, there sets in a process of rationalization representing a manifestation of the dynamic principle. Economic rationality is thus the third dominating idea of the capitalist system.

Economic rationality is manifested in several aspects of the capitalistic business management —its predilection for long range planning, for the strict adaptation of means to ends, for exact calculation. The genuinely capitalistic enterprise is managed on the basis of a plan which extends as far as possible into the future, thus leading to the introduction, among other things, of roundabout methods of production. The execution of the plan is accomplished by means which are painstakingly examined with reference to maximum serviceability for the purposes in hand—a vivid contrast to the ill considered employment of means in more traditionalistic economies. Underlying the planning and its execution are the evaluation and registration of all business facts in precise quantitative terms and the coordination of these records as a significant whole. This adherence to exact accounting is only natural in a situation where all economic acts are regulated in accordance with their pecuniary value and where management looks to maximized profits as its ultimate aim.

Rationalization permeates, of course, the entire scope of business and affects its technical as well as its commercial aspects. It introduces into the sphere of production the most "rational" methods and stimulates thereby the development of scientific technology. It creates rational factory management and leads to proper departmentalization and departmental coordination. The rationalization of the procedures of manual labor results in the employment of the individual worker most serviceably with respect to the ultimate capitalistic aim. On the commercial side rationalization affects the purchase of production equipment and materials, the sale of the ready product at the most suitable time or in the best market, the creation of new outlets whether through clever salesmanship or through the development of new forms of retailing.

Economic rationality penetrates gradually into other cultural spheres, reaching even those which are only remotely connected with economic life. Under its influence all untamed natural growth disappears and, where it proves disturbing, even the aesthetically individual is mercilessly weeded out. The idea of strict adaptation of means to ends, one of the essential ideologic props of capitalism, permeates the totality of culture and leads in the course of time to a purely utilitarian valuation of human beings, objects and events.

While individual action under capitalism is informed by the ideal of highest rationality, the capitalistic system as a whole remains irrational, because the other dominant capitalistic idea, that of acquisition, of the unrestricted assertion by the individual of his power, leaves the regulation of the total economic process to the uncoordinated discretion of individual economic agents. From this coexistence of well nigh perfect rationality and of the greatest irrationality originate the numerous strains and stresses which are peculiarly characteristic of the economic system of capitalism.

The Form of the Capitalist System. The objective, institutional order of capitalism is characteristically free. The dominance of economic individualism has its counterpart in the far reaching independence of the individual economic agents. The restrictions which law and usage impose upon them affect only the most marginal of their activities; essentially restrictions are intended to forestall merely criminal dealings, leaving a wide area of discretion to the individual. "Economic freedom," an aspect of the philosophy of natural rights, assumes, when regarded as an element of the economic order, the form of a system of positive rights conferred upon the individual by law and morals; these positive rights constitute the substance of economic liberalism.

Capitalistic business is typically private, so that economic initiative is lodged with enterprises which are actuated by the quest for private gain. These enterprises, subject to little regulation from the outside, assume the full risk of failure but enjoy also the unrestricted chance of success. Their activity keeps the economic machinery of society in motion.

The structure of capitalist economy is aristocratic. The number of economic agents is small as compared with the total number of persons participating in economic life, with the result that a large majority is subject to the power of a few economic agents. In a regime of economic freedom the relation between the economic agent and the persons controlled by him takes appropriately the legal form of a free contract. The dominance of a minority is explained by the fact that because of the high standard of technical knowledge and organizational skill required under capitalism people of average abilities and fortunes are incapable of assuming the direction of production and can therefore no longer act as economic agents as they could under the handicraft system.

The capitalist system, based as it is upon highly developed occupational specialization and functional separation, is marked by a high degree of decentralization. The principles underlying the division of labor in capitalist industry differ from those which governed handicraft economy to the extent that the segregation of a certain range of activities into a distinct branch of industry is determined not by the outlook and limitations of a living personality but by purely material factors, the causal sequences of the technological processes. Organic articulation enforced by an active, creative person is superseded under capitalism by purposefully directed mechanistic separation and coordination. The degree of specialization depends ultimately upon the advantages which it may bring to the private economic agents in their pursuit of profits.

Capitalist economy rests upon an exchange basis, the links between its constituent elements being the connections and relations established in the market. All production is intended for the market, is characteristically limited to the production of saleable goods; all products enter into commercial traffic. Similarly all means of production emerge from exchange transactions, are purchased in the market. No less important is the fact that the connection between economic agents and the persons controlled by them is established by contract entered into in the market; labor is thus treated as a species of saleable goods. The relationship between wants and their satisfaction through production is established indirectly through the medium of price, which regulates the quantity and character of output. Since the guiding principle of capitalism is gain, there is production only if prices yield profit, if they offer to the individual enterprise the prospect of economic success. This system of satisfying wants is therefore flexible, unlike the systems found in economic organizations oriented directly upon the satisfaction of needs. Distribution of the results of production, involving as it does a conflict between various groups, particularly between the two great classes of recipients of surplus value and of wages, is likewise regulated through the mechanism of pricing.

Finally, the organization of production under capitalism is not limited to any single form. Although large scale production predominates, production on a small scale (e.g. domestic system) also has its place in the system.

The Technology of the Capitalist System must satisfy certain conditions. To begin with, capitalist technology must insure a high degree of productivity. It cannot fall below a certain minimum, because capitalist organization of production, involving necessarily the differentiation between the work of organization and management on the one hand and that of technical execution on the other, would then be impossible. For example, as long as every hunter can manage to subsist on the yield of his daily hunt, there is no room for a capitalist organization of hunting under the leadership of an organizer who does no actual hunting himself. Moreover, this productivity must be as high as possible, because, other things being equal, an increase in productivity means a correspondingly greater profit to the capitalist enterprise. The compensation of the wage earners, which is limited to the amount needed for subsistence, can with increased productivity be produced in a shorter time, and a larger proportion of the total working time remains therefore for the production of profits. Again, an advance in technology, particularly in the technique of transportation, involves capitalist expansion whether through an extension of the markets or an intensive accumulation of stock. Capitalist expansion under these conditions is accompanied by an increase in total profits and, in view of the decline in the costs of production, by a rise in the profit rate.

The technology characteristic of the capitalist system must also lend itself most readily to improvement and perfection. For constant technical improvements are an important weapon in the hands of the capitalist entrepreneur, who seeks to eliminate his competitor and to extend his market by offering goods superior in quality or lower in price. Moreover, such improvements yield a considerable differential profit, since the entrepreneur can realize a profit larger than the average so long as his improvements do not become widely accessible, and thus tend to reduce the socially necessary production costs. It will be observed that the quest for differential profit is an important dynamic factor in capitalist society.

The scientific, mechanistic technology, which is based on the accomplishments of natural science and breaks through the limitations of an organic environment, meets the tests both of productivity and of perfectibility. In addition, the ideas underlying this technology are in precise correspondence with the spirit of the capitalist system. Thus the rationalistic spirit which permeates this technology merely testifies to the fact that the economic principles of capitalistic organization have been applied to its technical processes. The inorganic character of this technology finds its economic counterpart in the divorce of economic life from the personality of the individual, in the impersonality of all economic relationships. The depersonalization of commercial as well as technical management transforms them into satisfactory instrumentalities for the practise of a technology based on the depersonalization of human labor.

The Capitalistic Enterprise. Modern capitalism made its appearance with the development of the capitalistic enterprise. It represents the form through which an independent existence is granted to business as such. By the combination of all simultaneous and successive business transactions into a conceptual whole an independent economic organism is created over and above the individuals who constitute it. This entity appears then as the agent in each of these transactions and leads, as it were, a life of its own, which often exceeds in length that of its human members. This integrated system of relationships treated as an entity in the sciences of law and accounting becomes independent of any particular owner; it sets itself tasks, chooses means for their realization, forces men into its path and carries them off in its wake. It is an intellectual construct which acts as a material monster.

The capitalistic enterprise has its own aims or, more properly, it has a single, very definite goal, profit; for only this particular goal corresponds to its spiritual essence. While it is in a sense sheer tautology to say that profit is its only goal, for conceptually the capitalistic enterprise is nothing but an instrumentality for the purpose of profit making, it is nevertheless of great significance that in this economic construct the spirit of the capitalist system and the aims of the individual economic agents become merged. Since the aims of these individuals are essentially arbitrary because they are freely determined, it is merely a happy coincidence if the immanent spirit of capitalism, acquisition, appears also as the subjectively experienced motive for individual action in the form of a striving for profit. The motives of capitalistic entrepreneurs are by no means restricted to acquisitive drives; among them we find a motley array—the desire for power, the craving for acclaim, the impulsion to serve the common good, the urge to action. But as all these motives work out in the capitalistic enterprise, they become, by virtue of an inner necessity, subordinate to profit making. For on closer examination it appears that none of the strivings which actuate the entrepreneur has any chance of success unless the capitalistic enterprise itself is successful, unless it yields a surplus above cost. Whatever other desires the entrepreneur may entertain, whatever subjectively conceived purpose his work may serve, he must always, simply because he is a capitalistic entrepreneur, want his enterprise to flourish, and so concentrate his energies upon the making of profit. This transformation of the subjective purposes of the entrepreneur in the capitalistic enterprise objectifies the quest for profit. The fact that the capitalistic enterprise performs this function justifies the inclusion of the spirit of capitalism as a factor in the causal sequences of capitalist actuality. We do not depart from the realm of fact when we relate the spiritual essence of capitalist economy to its actual driving forces, the motives of the capitalistic entrepreneur, by showing that because of the objectification of the striving for profit these appear to be the necessary realization of this spirit. Marx aptly spoke of "the drive of capital for profit."

In addition to an aim distinct from the purposes of its owners the capitalistic enterprise has a separate intelligence: it is the *locus* of economic rationality which is quite independent of the personality of the owner or of the staff. At first rational business methods, objectively adapted to make the business profitable, are developed only in the course of time as a crystallization of experience; but in the period of full capitalism we observe the characteristic activity of artificial and self-conscious creation of economic rationality. Rational business methods are steadily and systematically developed and improved by persons who devote all or part of their time to this pursuit, which may itself be directed toward profit making. Thousands upon thousands of people, ranging in occupation from professors of business disciplines to humble bookkeepers, from downtrodden computers to manufacturers of all sorts of office equipment, are engaged in a perpetual quest for ways and means of perfecting economic rationality. As a result of these manifold efforts there exists at present a highly developed and constantly improving system of procedures (supplemented by specifications regarding the physical equipment to be employed therein) designed to insure business efficiency. This system is important primarily because it exists independently of any specific concern and is applicable to any line of business. Such a ready made economic rationality can be bought by the entrepreneur and installed in his concern to regulate it for the future.

Finally, the capitalistic enterprise possesses also the bourgeois virtues of industry, thrift and stability, which the entrepreneur in the early days of capitalism had to cultivate in his own person in order to achieve success. These have now been transferred to the business concern and it is possible for the entrepreneur himself to dispense with them.

The infusion of the capitalist spirit in material objects affects in a number of obvious ways the course of economic activity. In the first place, management becomes more intensive, business planning more definitive. The incorporation of human beings into a material system fixes a definite minimum of energy which must be put forth: just as the speed of the worker is determined by that of the machine, so the tempo of work of the office force, from president to errand boy, is set by an external factor, the routine of the enterprise. The knowledge at the disposal of the executive is also increased thereby; now it far surpasses his personal erudition. Yet he is no longer burdened with the problem of the perfect organization of his business, which formerly consumed a large proportion of his energy; he is relieved of much useless activity and is thereby freed for specifically entrepreneurial work. Secondly, objectification of the capitalist spirit helps also to extend its domain. Thus the spread of the capitalist ideology over the entire world and to all strata of the entrepreneurial class is easily explained by the fact that economic rationality can be readily transmitted. Finally, the same process contributes to the spreading uniformity of economic life. Since economic procedures are objectively selected for their maximum serviceability in the achievement of certain ends, the fact that the ultimate aim is the same wherever capitalism prevails explains the increase in similarity of these economic procedures along with the development of economic rationality.

THE CAPITALISTIC ENTREPRENEUR. *The Ideal Entrepreneur* combines the traits of inventor, discoverer, conqueror, organizer and merchant. He is an inventor not so much of technical innovations as of new forms of organization for production, transportation and marketing. Moreover, the entrepreneur as inventor does not terminate his activity with the formulation of the invention; in utilizing it he improves and vitalizes it in countless ways. The discoveries of the entrepreneur are in the realm of new outlets for his products, whether these be new territories or new layers of demand in areas already exploited. The entrepreneur is a conqueror in that he overcomes all obstacles and is courageous enough to take great risks for the success of his enterprise.

In his capacity as organizer the entrepreneur unites many individuals in a common and effective endeavor and so manages human beings and inanimate objects that he wrests from them the maximum productivity of which they are capable. To achieve such results the organizer must in the first place be a keen judge of human potentialities; he must be capable of selecting from a great number of people those best adapted to his particular needs. He must also have mastered the art of shifting responsibility, in part, to subordinates and of advancing those who, with the expansion of the enterprise, will take over systematically various phases of his own job. In this connection the gradual crystallization of the less important functions of the executive and their assignment in the course of years to a directorate, as accomplished by Alfred Krupp, must be regarded as a particularly distinguished example of functional separation and delegation. Similar problems are encountered in the organization of factory personnel. After the services of a promising worker are secured, he must be systematically trained and then assigned to a task which will develop his maximum serviceability. The entrepreneur must attend to the proper organization of groups of persons set to work together and, if there are several such units, he must establish the best possible relations between them. It would be erroneous, however, to consider that business and factory involve merely the clever choice of technically most advantageous nuclei for grouping men and materials. Special geographical, ethnological, commercial and other conditions must be taken into account in making such selections. The organization which is relatively best is practically more important than the absolutely perfect one.

The entrepreneur as merchant is not merely a specialist in the buying and selling of goods, for the term merchant is here employed to designate one who is charged with definite functions in the capitalistic system. There are professional traders who are indeed anything but merchants; and those who go out "in search of wealth" and of whom our historians tell such an edifying tale are in most cases no merchants at all. Trading or merchandising may imply a number of very different things. It may cover such activities as the equipping and arming of ships, the recruiting of warriors, the conquest and pillage of new lands, the loading of the booty on ships and the sale of it at home to the highest bidder at public auction. Or it may mean the purchase of an old suit of clothes after clever spying upon a gentleman in dire need of money who resisted previous offers to sell it, and its sale to a country yokel who is eventually persuaded by the eloquence of the seller. Trading may also mean security speculation. Obviously the specific differentia of the merchant vary from case to case. Thus in the precapitalistic period to trade on a grand scale, as did the "royal merchants" of the Italian and German commercial cities, one had to be above all an adventurer, combining the traits of discoverer and conqueror. Yet to be a merchant in our sense of the term—the functional rather than the occupational sense—is to conduct a lucrative business, to combine the activities of calculation and negotiation. The merchant is a shrewd, speculating calculator and a persuasive negotiator.

As a calculator the merchant must conduct profitable transactions, buy cheap and sell dear, whatever the object of purchase and sale. Thus, assuming a fully developed enterprise, he must purchase the material and personal factors of production at the lowest price; in the process of production proper he must be continually on the lookout for the most economical employment of these factors; later he must sell the finished product, or whatever else he may have to sell, on the most advantageous terms to the person who can pay most in the best of the seller's markets when demand is greatest. To master these tasks he must be able to "speculate" and to "calculate." To speculate, in this sense, is to draw correct conclusions applying to the individual case from the evaluation of the total market situation. It necessitates a correct economic diagnosis. It implies a survey of all facts bearing upon the market and the recognition of their true interrelations, an accurate estimate of the significance of individual events, a correct interpretation of certain symptoms, a precise anticipation of future possibilities and finally the selection with a sure grasp of the one most advantageous combination out of a hundred possible ones. To do this the merchant must be able to see with a thousand eyes, to hear with a thousand ears, to feel with a thousand antennae. Here he discovers needy gentlemen or warlike states and offers them a loan at the right moment; there he unearths a heretofore unexploited group of laborers who will work for a few cents less. In one case it is a question of gauging the sales possibilities of a new article and in the other of accurately estimating the influence of a political event upon the temper of the stock market. The merchant's ability immediately to translate all his observations into monetary terms, confidently to combine the thousand separate figures into an integral estimate of the chances of profit and loss, reflects his qualities as a "calculator." And if he be master of the art of instantly reducing every phenomenon to a figure in his ledger he is a "wonderfully shrewd calculator."

In order to succeed the merchant must have not only the sure instinct for a lucrative transaction; he must also be able to carry the transaction through by negotiation. The capacities required resemble those of a skilful mediator between two conflicting parties. For negotiation implies the power to persuade one's opponent, by advancing arguments and refuting objections, to accept a certain proposal. Negotiation is a bout with intellectual weapons. The negotiations carried on by a merchant have to do with the sale or purchase of goods, whether these be shares of stock, a business unit or a loan. Bargaining in this sense covers the case of a petty peddler who higgles with the cook over a rabbit skin and that of the old clothes man who spends an hour talking the country huckster into buying a pair of pants. Yet it also applies to Nathan Rothschild, when under particularly complicated circumstances he closed a million dollar loan with the Prussian negotiators in a conference that lasted several days, to the representatives of the Standard Oil Company when they conferred on a general rate agreement with the railroad companies of an entire country, and to Carnegie and his men when they discussed with J. P. Morgan and his associates the taking over of the Carnegie plants valued at hundreds of millions. The striking differences between these cases are purely quantitative; the core of the matter remains the same whether the interests involved are measured in millions or pennies. The essence of all modern trading is negotiation, which need not always be verbal or carried on in person. It may be silent as in the case of a seller who by resorting to all sorts of advertising devices succeeds in impressing upon the public the merits of his wares. This is truly a modern example of "silent trade."

Ever present is the problem of convincing the buyer or the seller that the bargain will be to his advantage. The ideal of the seller is realized when an entire population comes to consider as vitally important the purchase of the article which he is advertising, when a panic seizes the mass of the people who fear that they have missed their opportunity to buy (as in times of feverish excitement in the stock market). To arouse interest, to gain confidence, to stimulate the impulse to buy—this is the climactic accomplishment of an effective trader. The way in which he achieves such results is immaterial; it is sufficient for our purposes to know that not physical but merely psychic compulsion is used, that the other party enters the agreement of its own resolve and not against its will.

The Entrepreneur in the Period of Full Capitalism. During the period of full capitalism, which covers approximately the period from 1750 to 1914, the position of the entrepreneur was materially changed in several respects. In the first place, several important tendencies affected the character of entrepreneurial activity. One of these was the tendency to dissociate capital ownership from executive management. The movement away from single ownership or partnership to corporate ownership was paralleled in the substitution of the hired executive for the owner entrepreneur.

Another tendency was that toward increasing functional specialization in entrepreneurial activity. This tendency manifested itself above all in the progressive emergence of the entrepreneur per se, stripped of all subsidiary functions. This process, the beginnings of which may be discerned even in the early capitalist era, was now approaching completion. General supervision, improvement of technique, office organization and other duties with which the entrepreneur originally had to concern himself came to be cared for by specialists in his employ. Even the question as to whether a certain business proposition would pay, the calculation of probable costs and profits, was delegated by entrepreneurs to special functionaries, the "efficiency experts." Within this more and more narrowly circumscribed sphere of entrepreneurial activity individuals began to concentrate more intensively in certain fields: the banks developed specialists for contacts with industry, for the flotation of stock issues, for the improvement of deposit banking; industry demanded specialists in plant organization, in purchasing and marketing, in financial management.

At the same time, however, there was also a tendency toward the integration of functions. There appeared a limited number of universal super-entrepreneurs who combined banking and industrial power. The most popular road to such comprehensive activity was simultaneous membership in boards of directors of several corporations.

The spiritual adjustment of the entrepreneur to this change in the character of his activities took the form of a differentiation among entrepreneurs on the basis of mental type, range of interests and effectiveness in varying environments. We may distinguish among them three different types: the expert, the merchant or the business man, and the financier.

The expert centers his interest in his particular product. He is definitely tied down to a single branch of production, as is seen most clearly in the case of the entrepreneur who is also a technical inventor. The inventor-entrepreneur aims to bring about widespread adoption of his invention by producing on as large a scale as possible. Plant organization is his major concern, and his chief objective is to procure and make the best use of the proper working forces. Of the three markets—for capital, for labor and for finished product—the labor market is the one in which he is primarily interested; and of the three possible kinds of competition he prefers the competition in service.

The merchant's starting point is the market demand; he is determined to supply the products which he considers most saleable. Anticipating future demand, which he stimulates with clever propaganda, the ideal merchant creates wants and proceeds to supply the means for their satisfaction. The commodity market rather than the labor market is the main field of his activity, and his important contribution is not organization of the plant but improvement of the sales mechanism. He uses the power of suggestion as his weapon in the competitive struggle.

The financier's important activity is the creation and accumulation of capital by technical manipulations in the stock market. His appropriate milieu is the capital market and his creative powers are expressed in the promotion of new companies or mergers, holding companies and other financial aggregations. His tendency is towards competition of power.

Logically these three types—expert, merchant and financier—represent successive stages of increasing intangibility, of a progressive loss of concreteness in entrepreneurial activity. In a certain sense they follow also a historical sequence. The expert is more a product of early capitalism than of fully developed capitalism, when the other two types appear more and more frequently. The financier becomes really important only after the process of concentration has overtaken that of economic expansion. It must be understood, however, that these ideal entrepreneurial types are seldom encountered in real life. The actual entrepreneur is often a combination of two of these types, generally of expert and merchant or of merchant and financier. It is equally obvious that the demands made upon the entrepreneur and consequently the opportunities offered to each of these types differ in different branches of business. Industries requiring great mechanical precision in the manufacturing process are fertile soil for the expert; the merchant thrives in industries dominated by mass production; and the financier exploits such opportunities as the promotion of new railways.

Something must be said also of the social and national origins of the entrepreneurial class in the period of full capitalism. This period is characterized by an increasing democratization of its economic leadership: entrepreneurs are drawn from a continually growing number of social groups, and in the course of time lower and lower strata of society are tapped for this purpose.

Statistics for a sample of the English cotton industry before the war (Chapman, S. J., and Marquis, F. J., "The Recruiting of the Employing Classes from the Ranks of the Wage-Earners in the Cotton Industry" in Royal Statistical Society, *Journal*, vol. lxxv, 1911–12, p. 293–306) offer an apt illustration of the process of democratization. Of 63 manufacturers engaged in the cotton weaving industry, 48 belonged to the "first generation," that is, they were "employers, managers and others . . . , who have themselves risen from the operative classes or from classes earning no more than operatives." In an industrial city of 100,000 inhabitants, 139 employers who owned 93,400 looms replied to questionnaires. Of these 88 were of the first generation; they owned 49 per cent of the looms while the other private employers owned 44 percent of the looms, and corporations accounted for the remaining 7 percent. In the cotton spinning industry dominated by corporations entire boards of directors were questioned; of 45 directors who replied, 33 belonged to the first generation. In addition, among 45 of the mill managers who responded, 38 were of the first generation. In a special investigation dealing with 20 cotton mills in a cotton center it was found that the first generation included 13 percent of the managing directors, 42 percent of the managers (salary range £200–£800) and 67 percent of the assistant managers (salary range £100–£150).

Even many of the great industrial leaders of our day have risen to their high positions from very humble beginnings, as is evidenced in their biographies which are at present in vogue. A number of German business giants came from the middle class of lower social strata and began their careers in subordinate positions. Ballin was an emigration agent; Bosch, the son of a peasant, had an initial capital of 10,000 marks; Dernburg and Helfferich came of families of scholars; Deutsch was the son of a cantor; Fürstenberg's first position was that of a clerk. After his father's fortune was lost Kirdorf began as commercial manager of a small colliery; Isidor and Ludwig Löwe were the children of a grammar school teacher; Emil Rathenau was an engineer in modest circumstances; and Werner Siemens, an artillery lieutenant, founded his plant for the manufacture of telegraphic equipment with a borrowed capital of 6000 talers. Jandorf, Tietz and Wertheim, the founders of the large department stores, began as petty shopkeepers in the provincial cities in eastern Germany. In the United States the number of magnates who have risen from the ranks is perhaps even larger: Carnegie was the son of a poor Scottish weaver, Ford the son of a small farmer and Harriman the son of a minister in a poor Long Island parish.

The reasons for the democratization of the entrepreneurial group are fairly obvious. During the entire period of early capitalism it was necessary either to be wealthy or to affiliate with the possessors of wealth in order to acquire the capital necessary for a start in business. Consequently there must have been many cases in which one man had entrepreneurial ability and no money, and another money but no ability or inclination to engage in business. In the period of full capitalism the man of wealth can easily employ his money as capital without himself being an entrepreneur, and the impecunious man can more easily procure capital by floating stock or borrowing from a credit institution. "Credit institutions are the props of genius," observed the *Bremer Handelszeitung* in 1856; it is primarily the credit system that makes it possible for a man without capital to be active as an entrepreneur.

No less important is the change in the national composition of the entrepreneurial class. While in the period of early capitalism the center of gravity of economic life was found in the Romanic countries, industrial leadership in the period of full capitalism shifted to the nations of Germanic origin. Thus in the year 1910–11 the joint share (in percent) of Germany, Great Britain and the United States in the world's output of the most important raw and semi-manufactured materials was as follows: zinc 65, lead 71, crude oil 71, copper 76, steel 78, pig iron 79, cotton 80, cotton yarn (number of spindles) 75, coal 82 and coke 84.

It is worth noting also that in all countries the Jews have been capturing a growing share in economic leadership. Although the Jews constituted only about 1 percent of the general population in pre-war Germany, 13.3 percent of the directors of industrial enterprises were of Jewish origin. This percentage was as high as 23.1 in the electrical industry, 25 in the metal industries and 31.5 in the leather and rubber industries. 24.4 percent of the members of supervising councils (*Aufsichtsräte*) in industrial corporations were Jews. They played an even more important part in the management of the banks, which were largely controlled by Jews. There was a similar preponderance of Jews in the large scale retail business: most of the department stores, which in Germany are practically all organized on the Tietz system, were established by Jewish merchants. While these data relate to Germany only, what is true of Germany applies to some extent to all capitalistic countries.

The Importance of the Personal Element in the Capitalistic Economy. It would be erroneous to assume, as is done so frequently, that because of the dominance of the impersonal entity, the capitalistic enterprise, the personality of the capitalistic entrepreneur is submerged and reduced to insignificance. It is true that the prime mover in the economic process has now become the automatic, highly efficient contrivance unrestricted spatially or temporally and unhindered by any personal or organic limitations. The individual, even the individual entrepreneur, inevitably becomes a part of it. The earth is studded with countless factories organized on an identical plan and equipped with machines of delicate precision—all this for the purposes of profit making. Chance, individual and national differences are eliminated. Necessity, uniformity and homogeneity dominate in this quantitative universe. Yet it must not be supposed that the importance of the human personality is debased in this mechanized world. On the contrary, the individual, if he happens to be outstanding, wields in the economic life of this period an influence far surpassing that of any other age.

Although the categories of striving and action are a necessary part of any abstract conception of the universe, the concrete fact remains that something positive must be striven for and something tangible must be done. If modern economic rationalism is like the mechanism of a clock, someone must be there to wind it up. If the capitalistic enterprise tends to become an ever larger and more complicated machine, still it does not dispense with the need for a human being to tend it; and the more complicated the machine, the more intelligent he must be. The government and the army have developed along similar lines; there too we find a gigantic mechanized apparatus, and yet a leader is more than ever indispensable. It is true, however, that the distribution of forces has changed; a central power station—the leading executive—has superseded, at least in the large business units, the great number of smaller ones.

The Russians grasped less than any other nation the peculiar character of the capitalistic economy when they banished the capitalistic entrepreneur and thereby brought the entire mechanism to a standstill. The Americans, on the other hand, display the keenest understanding of capitalism. They place a particularly high value upon personality in economic life, considering that in the last analysis it is the individual rather than the business enterprise, family or capital that is the driving economic force. In the large concerns a few eminent personalities hold undisputed sway. Rumor has it that H. H. Rogers, once the leading brain of the Standard Oil group and president of the Amalgamated Copper Company, remarked that on boards of which he was a member the vote was taken first, and discussion followed only after he had left.

THE PERIODS OF CAPITALISM. An economic epoch is the stretch of time during which an economic system is actually realized in history. While every economic system appears first within the framework of another, there are some periods during which economic processes reveal in a comparatively pure form the features of a single economic system. These are periods of the full development of the system; until they are reached the system is going through its early period, which is also the late period of the disappearing or retreating economic system. Applying to capitalism this division into epochs, we may distinguish the periods of early capitalism, full capitalism (*Hochkapitalismus*) and late capitalism.

In the period of early capitalism, which lasted from the thirteenth to the middle of the eighteenth century, economic agents, the capitalistic entrepreneurs, and their subordinates, the workmen, still bear the earmarks of their feudal or handicraft origin; their economic outlook still exhibits the superficial characteristics of precapitalist mentality. The economic principles of capitalism are still struggling for recognition; traditionalism and the mediaeval idea of working merely for a livelihood still predominate. Likewise the external aspects of economic life frequently resemble those of the earlier period: home industry still prevails; the output of factories and manufactories is still slight; the technology employed is not very far from the traditional rule of thumb. Economic life in general has a decidedly personal cast; the individual and his personal concerns frequently form the center of interest, and the relations between individuals are still for the most part on the old personal basis. In commercial transactions buyer and seller confront each other in person and let their personal likes and dislikes affect their business deals; within the enterprise the employer and workmen are often held together by a personal bond ("patriarchal industrial relations").

In the period of full capitalism, which closed with the outbreak of the World War, the principles of profit and economic rationalism attain complete control and fashion all economic relationships. The scope of economic activity is enlarged (expansion of markets, increase in the size of business units and plants) and scientific, mechanistic technology is widely applied. It is particularly characteristic of this period that relations which originally involved unmediated actions by living persons are now institutionalized; a system of man made organization eliminates spontaneous contact and forces individual action into a framework imposed from the outside. Thus the relation between seller and consumer loses its personal character in a large retail concern where purchases are made almost mechanically with virtually no human contact (system of fixed prices). The standardization of merchandise and the increasing uniformity of the terms of sale on the basis of established usage (as in the dealings in futures) make the wholesale business quite impersonal. The loss of adaptability to individual differences in factory management takes the form of the standard labor contract. Credit relations are no longer based on personal acquaintance between creditor and debtor; credit transactions are regulated by fixed norms and the credit instrument is completely standardized. The use of negotiable securities—endorsed promissory notes and bills, banknotes, evidences of debt guaranteed by mortgage, bonds and stocks—by means of which it is possible at a moment's notice to introduce into the situation new creditors unknown to the original debtor, impersonalizes and objectifies the credit relation.

Most intimately connected with this tendency toward mediatization and mechanization is the intensified commercialization of economic life, the debasement of all economic processes into purely commercial transactions or at any rate the subordination of their other constituent elements to the commercial one. This is vaguely expressed by such a phrase as "the domination of business by Wall Street," in which we can substitute for Wall Street the name of the central speculative-financial market of any country. This is made possible primarily by the depersonalization of credit relations and their crystallization in transferable, marketable, liquid credit instruments.

The period of late capitalism, upon which we are at present entering, can be best characterized by describing the changes which capitalism has been undergoing in the past decade. We observe first of all that industrialism is spreading to every corner of the world; the hard and fast division and the resulting peculiar relations between industrial and agrarian countries, both of which were characteristic of the period of full capitalism, are being gradually worn away. In industrial countries the strength of the specifically capitalistic elements of economic life is declining; "mixed" public-private undertakings, state and communal public works, cooperative enterprises and other forms of non-capitalistic economic endeavor increase in number, size and importance. The most important changes, however, concern the internal structure of capitalism.

The economic outlook has recently undergone material changes and will continue to change in the future. The capitalistic spirit at its prime was characterized by psychological strains of peculiar intensity born of the contradictions between irrationality and rationality, between the spirit of speculation and that of calculation, between the mentality of the daring entrepreneur and that of the hard working, sedate bourgeois. At present this strain is relaxing. Rationalism is thoroughly permeating the capitalist spirit, and a completely rationalized mentality is no longer a capitalist mentality in its characteristic sense. Certain special aspects of this change are worthy of mention.

All the differentia of a genuinely entrepreneurial spirit—daring decision, intuitive judgment, instinctive grasp of a situation—become less and less important in the conduct of business. The number of determinable factors is constantly increasing, and the entrepreneur is more and more disposed to build his business upon the foundation of systematized knowledge. This may already be observed in the United States, although only beginnings are discernible in Europe. The budgeting of production, of financial needs, the systematic mapping out of sales campaigns—practises which become increasingly common—represent nothing less than the management of a business in accordance with a system of knowable facts. When such practises are perfected and carried to their logical conclusion, the concern in which they are relied upon ceases to be capitalist in spirit and resembles a public undertaking with a thoroughly systematized and externally regulated management. The manager of such an enterprise resembles a minister of finance, who has to act within a framework imposed upon him from the outside.

It is psychologically plausible that with the increase in the size of the business unit the striving for profit grows less intense; witness such symptoms as the fixed dividend rate, the reinvestment of surplus—in the United States, for example, some concerns provide from 30 to 35 percent of their new capital in this way—the creation of reserves and similar arrangements. Connected with this is the disappearance of the recklessness, daring and aggressiveness of the typical entrepreneur of old. These qualities are paralyzed and fall into disuse with the spread of cartels and trusts and other manifestations of the tendency toward concentration. It is possible that there is a general tendency to gradual decay of the entrepreneurial mentality.

The form of economic life and its objective order are also changing: freedom from external restraint characteristic of the period of full capitalism is superseded in the period of late capitalism by an increase in the number of restrictions until the entire system becomes regulated rather than free. Some of these regulations are self-imposed—the bureaucratization of internal management, the submission to collective decisions of trade associations, exchange boards, cartels and similar organizations. Others are prescribed by the state—factory legislation, social insurance, price regulation. Still others are enforced by the workers—works councils, trade agreements. The relation between employer and employee becomes public and official. The status of the wage worker becomes more like that of a government employee: his activity is regulated by norms of a quasi-public character, the manner of his work approaches that of a civil servant (no overtime), his wage is determined by extra-economic, non-commercial factors. The sliding wage scale of earlier times is replaced by its antithesis, the living wage, expressing the same principle as that underlying the salary scale of civil servants; in case of unemployment the worker's pay continues, and in illness or old age he is pensioned like a government employee. At present this situation is more characteristic of a country of older culture like Germany, but it is bound to become established also in the United States.

The economic process as a whole has changed also. What used to be a matter of spontaneous, natural development is fast becoming a system of external regulations. By and large, flexibility is being replaced by rigidity. Thus regulation of economic life through the market mechanism, a system under which the links of the causal sequence were demand and supply, market conditions, prices of goods, wages, profits, is gradually disappearing. It is being superseded by the price regulation of combinations or even of the government; by wage regulation of the trade unions, who pay little attention to the market conditions; by indirect regulation of the geographic distribution of industry through the intervention of the central and local governments, who disregard the natural rationality implicit in the existing situation.

The cyclical oscillations of the economic system, the rhythm of prosperity and depression characteristic of full capitalism, also become attenuated. A large number of considerations bear upon this change. There is an increasing insight into market conditions and the factors determining them. The currency and credit system has been rationalized, better adapted to serve the needs of the existing order. Conditions of production were affected by important changes in the supply of factors of production; thus, while the economic cycles of the past eighty years were conditioned by railroad building and the introduction of electricity, at present the supply of important equipment has reached the saturation point; business has assumed the corporate form of organization, and there has taken place a concentration of economic power; the reserve army of the unemployed has been reduced by a general decrease in excess population. There is more external regulation of business by government (regulation of the promotion of new enterprises, labor legislation) and by labor organizations. The entrepreneurial group has been consciously striving for stability as in the cartels and trade associations. Public authorities have intervened to offset the business fluctuations by withholding orders in periods of prosperity and granting them more generously in periods of depression; this policy will play an increasingly important role. "Stabilization of business" seems to be both the slogan and the accomplishment of this period.

WERNER SOMBART

See: ECONOMIC ORGANIZATION; COMMERCE; GUILDS; INDUSTRIAL REVOLUTION; PUTTING OUT SYSTEM; FACTORY SYSTEM; BUSINESS; INDUSTRIALISM; SOCIALISM; COOPERATION; EVOLUTION, SOCIAL; ECONOMIC HISTORY; ECONOMICS; PROPERTY; CONTRACT; CAPITAL; CORPORATION; ACQUISITION; PROFIT; COMPETITION; LAISSEZ FAIRE; LIBERALISM; ENTREPRENEUR; CAPTAIN OF INDUSTRY; BUSINESS ADMINISTRATION; BUSINESS ETHICS; EFFICIENCY; RATIONALIZATION; INVENTION; MACHINES AND TOOLS.

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CAPITALIZATION may designate either the process of capitalizing a flow of money income or the par value aggregate of shares of capital stock and of certificates of long term indebtedness issued to those who contribute money or other forms of wealth to a corporation for use as its capital fund. Capitalizing the flow of income is one way of determining the capital value of the income yielding object. The problems arising in this connection are an integral part of the general questions as to the nature of capital (*q.v.*) and interest (*q.v.*) and the psychological bases of market valuation (*see* VALUATION). The capitalization of an enterprise involves on the other hand problems in financial management.

One of these problems concerns the relation of capitalization to the actual cost of assets and to present and prospective net income. Were the assumptions of orthodox economic theory fulfilled and the cost of productive assets equal to the capitalized value of their income yield, no important practical issue would center about this question. In that case it would not be difficult to make the par value of outstanding securities equal to the actual cost of the properties of the concern. However, since perfect competition and free mobility of resources are rarely found in economic practise, the nice balance between capitalization and cost, and capitalization and capitalized income yield is seldom realized. The discrepancies give rise to problems of overcapitalization and undercapitalization, of which only the former, for obvious reasons, is likely to be of frequent occurrence and practical interest.

Since the rates which they are authorized to collect include a return upon their capitalization, the charge of overcapitalization has been leveled principally against public service corporations. During the promotion period these enterprises were capitalized without regard to the monetary cost of the fixed plant. It is a matter of common knowledge that the construction cost was often met by bonds, with shares of stock issued as a bonus to those who purchased bonds. It was also customary to have franchises, patent rights, water rights and promotional activities appraised by the promoters and financiers themselves and paid for through bond and stock issues. Overcapitalization would also arise from the faultiness of financial management. In order to pay some return upon outstanding securities, particularly upon the bonus stock, maintenance was neglected and little or no provision was made for property renewals. When the need for making renewals suddenly became urgent, due to the rapid growth of the territory or deferred maintenance, funds for these purposes had to be secured by more security issues. Again, owing to the rapid development of the arts, old plants were obsolescent before their cost could be written off as an operating expense. Additional securities were then issued in order to procure funds for rehabilitation and modernization.

Industrial combinations also have been frequently charged with overcapitalization. The costs entailed in clearing up cut-throat competition and in scrapping much old and duplicated property, on the one hand, and the oversanguine estimates of net earnings to be realized as a result of the consolidation, on the other, made overcapitalization not only necessary but possible. The desire of a small group to retain the voting control with little or no investment of cash funds was usually an added incentive to excessive security issues. Even subsequent receiverships did not result in a scaling down of capitalization, for these enterprises usually emerged with a greater load of security issues, even though their character might have changed from interest bearing obligations to equity capital.

Another problem in connection with capitalization is that of the safest and most economical capital structure; that is, of the proper ratio between the various types of notes, bonds and stocks. Generally speaking, the divisions and subdivisions in the capital structure of a corporation, or its financial plan, reflect from a legal point of view the differentiation between creditors' and owners' interests, and from an economic point of view the variation in the degree of risk assumed. Usually the financial plan is based on the theory that capital can be best and most cheaply secured by including bonds, preferred stock and common stock in a ratio which is proportioned to income. Here are applied the well known axioms of finance set up by A. S. Dewing that "(1) bonds should be issued only when the future earnings of the corporations are liberal and reasonably constant; (2) preferred stock may be issued when the earnings are irregular but, when averaged over a period of years, give a fair margin over the preferred stock dividend requirements; (3) common stock and only common stock should be issued when the earnings of the new corporation are uncertain and unpredictable" (p. 296). Investigations seem to indicate that judged by investment market sentiment bonds should be so limited in a good capital structure that their interest charges will equal about one half of the earnings available after taxes and depreciation, while preferred stock dividends should not absorb more than one half of this remainder.

The correct capitalization of a corporation, as to both size and structure, is of preeminent concern to all parties who as investors, creditors or customers may be doing business with the corporation in question. Public regulation of capitalization is therefore frequently undertaken. The extent to which it is carried as well as its emphasis varies from country to country and from industry to industry within the same country. Thus the valuation of properties paid for by stock issues is made subject to verification by semi-judicial bodies in Italy and Germany, in France to approval by the first two meetings of stockholders who have paid for their shares in money, in England to an examination by interested parties of the detailed records. In the

United States boards of directors, from which promoters and bankers are not excluded, are allowed to determine whether securities exchanged for properties and services were issued for adequate and valuable consideration. Similarly the emphasis varies from the protection of stockholders, as opposed to organizers and promoters, and creditors, in countries where general corporation laws are stringent and in those parts of the United States where blue sky laws (*q.v.*) are effectively enforced, to the protection of customers, as in the case of public utilities, banks, insurance companies and similar organizations. In the United States the multiplicity of charter granting authorities and the competition among them for the revenue to be derived from incorporation fees are responsible for the laxity of general public supervision over the organization and operation of corporations. We find, however, public regulation of considerable scope in reference to special classes of corporations.

The most common and best developed type of security control in the United States relates to the issues of public utility corporations. It is intended primarily to prevent overcapitalization through the watering of stock and the diversion of funds for unauthorized purposes, and is thus a means of providing for a sound rate base and of facilitating the task of rate regulation. The system has been introduced in some form in twenty-seven states, the District of Columbia and in the regulation of interstate utilities by the federal authorities. The usual method is to forbid the issue of securities without the approval of an administrative commission. The law usually applies to all classes of public utilities and names the specific purposes for which securities may be authorized. These purposes generally include the compensation for organization and construction costs, the refunding of legal funded obligations and the correction of cases of undercapitalization, i.e. the increase in the aggregate par value of securities to a parity with the value of fixed properties as determined by a commission. Except in Massachusetts security laws do not undertake to fix the price at which the securities may be sold, but they do fix the minimum price at which they may be issued, which in the case of stock is usually the par value and in the case of bonds is 75 percent of their face value. The law also provides that bonds shall be reasonably proportioned to stocks, thus leaving the determination of the relative quantities to the commission after an investigation of the facts in each case. This provision is designed to prevent undue burdening of the properties with bond issues and to insure that control and management shall be based upon a substantial financial interest in the property. With the growing tendency to treat preferred stockholders as creditors and to subdivide even common stock into groups with unequal voting privileges, it must be recognized that this intent of the legislators is defeated, particularly where their laws fail to distinguish between preferred and common stock.

Massachusetts was the first state to provide for public regulation of capitalization and it is here that this regulation has been carried farthest. Since early public utility and industrial enterprises in that state were financed largely by means of stock issues, its policy centered upon controlling the issue price of capital stock, with the aim of making the par value of securities equal approximately the invested capital. Legislation was early enacted to prevent the issue of bonus stock and to insure the issue of shares at not less than par. After 1871 the Massachusetts law provided for the selling of stock at public auction. This violated traditional rights of stockholders to preference in subscribing for new issues and opened the way to contests for control between rival interests. In 1894 it was therefore provided that share capital be issued at a market price (par plus premium) as ascertained by regulating commissions. At the same time the bonded debt was limited to a figure not in excess of the par value of the share capital. Subsequent legislation was of a more liberal character. The limitation of bonds to an amount equal with stocks resulted in the practise of incurring large floating indebtedness, and a later amendment fixed therefore the ratio of bonds to stock at two to one. Stock issues to cover promotion expenses and working capital were prohibited. In 1908 a very significant amendment was added permitting the issue of shares at a premium but not at less than par, with the issue price determined by the stockholders subject to approval of the commission. The strongest factor in bringing about this change was that the prices of issue had been set so high under the old statutes as to discourage investment. The old premium law was workable only so long as the market price of stocks was rising or the credit market was firm, but with the increasing prevalence of tighter credit conditions the companies found it difficult to sell their stocks at the price fixed by the commission. Again, utilities were gradually permitted to issue greater proportions of bonds and preferred stocks, and in 1914 street railways were for the first time allowed to incur indebtedness for other purposes than permanent additions to capital. In 1922 permission was given street railways to issue capital stock at a discount, and the department of public utilities was to decide whether such discount should be amortized.

The significance of the functions performed by security regulating commissions may be best summarized in the words of W. Z. Ripley: "Regulative commissions stand between two fires. On the one hand, they cannot lawfully adopt so strict and narrow a policy as to throttle enterprise. On the other, they must not be so liberal as merely to 'rubber stamp' promoters' schemes" (*Railroads: Finance and Organization*, p. 295). In approving the issue of new securities for extensions they have tried to hold the issues down to an amount commensurate with cost. Where past policies and obligations of the companies have been involved in new issues they have exercised a wise discretion in preserving continuity of service and credit; they have adopted financial expedients in each particular case to lead the company out of its financial wilderness.

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See: CORPORATION FINANCE; INVESTMENT; VALUATION; PUBLIC UTILITIES; RAILROADS.

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CAPITALIZATION AND AMORTIZATION OF TAXES. The term capitalization of taxes is properly applied to the case of an object which, being totally or partially exempted from a given general tax, rises in value by a sum equivalent to a capitalization at the current rate of interest of the amount of tax saved. The inverse case, that of an object hit by a special tax and as a result reduced in value by the capital value of the tax, may best be described as one of tax amortization. In the first case a buyer would pay for the object its original value plus the capitalized tax saving; in the second case he would pay the original value less the capital value of the tax. Thus if a special land tax reduces the net yield of a farm from $5000 to $4500, the capital value shrinks from $100,000 to $90,000. One who purchases at the latter figure continues to pay over to the state $500, but this is in effect merely interest on the $10,000 saved on the purchase price. The abolition by the state of the $500 annual charge would be equivalent to the free gift of an annuity of this amount or of its capital value, since the farm's value would again rise to $100,000.

The first conscious experiment in tax capitalization was made in 1788 by the Grand Duke Pietro Leopoldo of Tuscany. Landowners were required to pay into the treasury a sum equivalent to the capital value of the tax based on an interest rate of 3.5 percent. The amount of tax thus redeemed, in terms of capital value, was 8,250,000 scudi out of a possible total of 12,500,000. In 1790, however, the new grand duke, Ferdinand II, yielding to the clamor of the interested parties, canceled the edicts of his predecessor and ordered that the sums paid be refunded and the land tax restored. More successful and better known is Pitt's Redemption Act of 1798 in England, which provided that the land tax, already fixed in 1775 at four shillings per pound, be made perpetual at that rate and that taxpayers be permitted to redeem it at the rate of twenty times the amount of the annual charge.

Amortization theory, as applied to the land tax, plays an essential part in the single tax doctrine of Henry George. Once the whole net income from land had been absorbed by taxation the capital value would have disappeared, and any purchaser would have paid only for improvements. Although the purchaser continued to pay the net rental value as a tax the burden would in effect have been thrown back on the one who owned the land when the tax was first imposed.

In 1814 it was pointed out by Craig that the amortization process was not peculiar to the land tax but extended to all "exclusive" taxes; Rau observed that sometimes the fall in capital value consequent on special taxation was obscured by a change in the rate of interest or other factors; and Schäffle stressed the general character of the theory. The classic theory received its most definite formulation at the hands of Seligman, who summarizes as follows the conditions under which amortization may take place: taxation must be unequal, since if there is no excess of a given tax over the general taxation level there is nothing to be capitalized; the object taxed must have a capital value which is susceptible of diminution; the object taxed must be relatively durable in character; the tax must not be capable of being shifted.

Of all these conditions the one which demands the most careful analysis is the first. To be amortized a tax must rest on the taxpayers with unequal weight; but this raises the question, what is equality in taxation? Clearly a flat rate general tax on all income from capital alone is not an equal tax, because it exempts labor incomes. It might lead to the investment of new savings in education, etc., and substract them from ordinary investments. Thus it might raise the rate of interest and to this extent might reduce capital values. This would mean that such a tax is in some measure amortizable. Are we to regard as equal a general tax on all incomes (capital as well as labor), which in almost all countries is progressive, with exemptions at the bottom, and which frequently differentiates against property incomes? It is obvious that equality of taxation is a very refined and complex idea, which allows for apparent inequalities, intended to equalize the psychological burden of taxation for different taxpayers. An equal tax may be a compound of very unequal separate taxes whose total impact on the several taxpayers is evenly distributed. As this ideal of equal taxation is very difficult of attainment there will always be a residuum of inequality to which the amortization process can be applied.

In the classic theory amortization depends on the circumstance that a special or differential tax does not reduce the general rate of interest in proportion to the rate of taxation. If the rate of interest is 5 percent a 10 percent tax on a particular form of income does not change the rate of interest, because new savings can be invested in non-taxed fields. If the tax is general and all fields are equally hit, taxpayers can nowhere find investments free of the tax. All investments will yield a lower net return on account of the tax, but since they all suffer alike the rate of interest will be uniformly reduced from 5 to 4½ percent, capital values remaining therefore unchanged. In other words no amortization can take place.

It is tacitly assumed, in the classic theory of amortization, that whatever is taken from the taxpayer by either special or general taxation is lost to him completely. If $500 is taken from a $5000 income by a tax it is assumed that the situation of the taxpayer is the same as it would be if his income were diminished an equal amount by natural causes. This assumption has been challenged by Einaudi in a paper published in 1912 and republished in enlarged form in 1919. Einaudi points out that we cannot appraise the effects of an equal tax apart from the effects of the use of the proceeds of the tax. A 10 percent general tax, as such, reduces all incomes; but without the tax and its use to the furtherance of the state ends economic society could not exist and private incomes would not be forthcoming. An equal tax is not to be regarded merely as a subtraction from private income, but as the portion of the total social income which ought to go to the state if that total income is to reach a maximum. Optimum taxation may be a composite of equal or general taxes, with special or differential taxes on windfall incomes and others which may be deemed worthy of a special burden. The ultimate effect of the introduction of an optimum tax system would in theory be an increase in the total social income and in the flow of new savings, a fall in the rate of interest and a rise in most individual incomes and their capital values. In cases of differential taxation there would be a decrease in the relative amount of the incomes affected. If the effect of this decrease were not counterbalanced by the fall in the rate of interest and the general increase in total social income, the capital value of such specially affected incomes would decline, or in other words the principle of amortization would become operative.

Actual tax systems are far from optimum either as to their structure or as to the use of their yield. Assuming small additions to the existing tax structure, to the extent that such new taxes depart from the optimum they do not increase and may even reduce total social income. The effect on the rate of interest will probably be to raise it above the level which would have obtained without the additional increment of taxation. Most individual incomes would decrease and their capital values would fall. The fall would be particularly marked in the case of incomes subject to special taxation or disproportionately burdened by the general system. Incomes less than proportionately burdened might rise and their capital value increase.

In the actual world the phenomena of capitalization and amortization of taxes rarely, if ever, present themselves in clear outline. Any extensive fiscal change, whether involving mere quantitative increase or a shift in the objects of taxation, is likely to involve both types of phenomena in more or less disguised form.

LUIGI EINAUDI

See: TAXATION; LAND TAXATION; SINGLE TAX; PROPERTY TAX; INCOME TAX; CAPITALIZATION; INTEREST.

Consult: FOR LITERATURE AND DISCUSSION OF TAX AMORTIZATION AND CAPITALIZATION THEORIES: Seligman, E. R. A., *The Shifting and Incidence of Taxation* (5th ed. New York 1927) p. 174–83, 221–26.

FOR TUSCAN EXPERIMENT OF LAND TAX REDEMPTION: Gianni, F. M., "Memoria istorica dello scioglimento del debito pubblico della Toscana" in *Scritti di pubblica economia* (Florence 1848) p. 145–58.

FOR VARIATION OF CAPITAL VALUES THEORY: Einaudi, L., "Intorno al concetto di reddito imponibile" in R. Accademia della Scienze di Torino, *Memorie*, 2nd ser., vol. lxiii, pt. ii (1913) 209–318, and "Osservazioni critiche intorno alla teoria dell' ammortamento dell' imposta e teoria delle variazioni nei redditi e nei valori capitali susseguenti all' imposta" in R. Accademia delle Scienze di Torino, *Atti*, vol. liv (1919) 1051–1131; Griziotti, B., "Teoria dell' ammortamento delle imposte e sue applicazioni" in *Giornale degli economisti*, 3rd ser., vol. lvi (1918) 1–37, 57–87, 181–207; Einaudi, L., "Intorno alla metodologia della teoria della capitalizzazione dell'imposta" in *Beiträge zur Finanzwissenschaft; Festgabe für Georg von Schanz*, 2 vols. (Tübingen 1928) vol. ii, p. 69–86, and "Contributo alla ricerca dell' 'ottima imposta' " in *Annali di economia*, vol. v (1929) 7–244.

CAPITATION TAXES. *See* POLL TAX.

CAPITULATIONS. This term is used to indicate the regime of exterritorial privileges or immunities of jurisdiction enjoyed by foreigners in the Ottoman Empire. The early grants of privileges by Turkey were made voluntarily, as for example when Mohammed the Conqueror captured Constantinople and confirmed the ancient privileges of the Genoese living in Galata. These privileges were not in derogation of the rights of territorial sovereignty but were granted rather in the free exercise of sovereignty and were revocable at the sultan's will.

The origin of these privileges is to be found in the view held until comparatively recent times that law was personal, following a subject whereever he went. It was on the basis of this view that the Byzantine emperors permitted subjects of some of the western mercantile city-states residing in imperial territory to be ruled by their own courts, presided over by consuls. In England and Holland well through the Middle Ages such functions were exercised by consuls. In a case where the local law was grounded in religious principles and social usages profoundly alien to Christians and, in fact, reserved to Moslems, it was logical and preferable to leave the former free to settle their disputes according to their own laws and to regulate their affairs through their own magistrates. The Capitulations originally intended little more.

In 1454 Mohammed the Conqueror signed with Venice a treaty of a reciprocal nature granting extensive exterritorial rights, thus making the Capitulations a matter of international rather than of municipal law. In 1528 Sultan Soliman formally confirmed the privileges long enjoyed by French and Catalan merchants in Alexandria. Solemn treaty engagements whereby any concessions made to one foreign power should accrue to all were entered into by Francis I and Soliman in 1535. They mark the real commencement of the regime of the Capitulations, and became the model for future treaties of similar import, *inter alia* those with England, Holland, Austria, Russia, Germany and the United States (1830). The essential features of the Capitulations were that in lawsuits involving foreigners the foreign consul had jurisdiction; and in suits between foreigners and natives what was in effect a mixed tribunal had jurisdiction. Further privileges were exacted by force and others boldly assumed by the powers without effective resistance on the part of Turkey.

The Treaty of Adrianople of 1454 between Turkey and Venice specified a duty of 2 percent on goods sold by Venetian merchants in Turkish ports. The inclusion of this provision in subsequent treaties with other powers resulted in the unforeseen and humiliating claim that Turkey might not alter its customs tariff without the consent of all nations having capitulatory rights. Inasmuch as this consent could be obtained, as a rule, only by other concessions as a *quid pro quo* it resulted in considerable foreign control of the treasury. In the course of their later development the Capitulations made possible a status of practical immunity of foreigners from all local jurisdiction and thus constituted a flagrant encroachment upon the sovereignty of Turkey. Foreign banks and commercial houses entirely exempt from Turkish supervision were founded and operated to the disadvantage of native institutions. Foreigners were exempt also from personal taxes and imposts. Turkish employees of foreign corporations came to enjoy a quasiimmunity from local jurisdiction, and this created a considerable class of protégés who often occasioned serious diplomatic disputes and intrigues. Foreigners misused their immunities to the extent of practising with impunity smuggling, bribery and corruption. The right of inviolability of correspondence led to the establishment by six great powers of foreign post offices which were utilized by Turkish subjects as well as by foreigners. The extraordinary privileges of missionary institutions resulted in certain instances in their becoming centers of political propaganda and diplomatic intrigue. The Capitulations had one positive effect. They served to introduce western principles of justice into the Near East and to provide materials later used by the Turks in reforming their judicial system.

By the time the evils of the Capitulations were recognized they had become so well grounded in international law and tradition that their abrogation was almost impossible. As early as 1856, when Turkey assumed full status as one of the European concert of nations, she raised the question of abrogation, but not until the World War was she in a position to terminate this humiliating regime on the general grounds of the right of sovereign independence and in conformity with the *rebus sic stantibus* rule of interpretation of treaties. On September 10, 1914, the Turkish government served notice that the Capitulations would be abrogated on October 1. The United States and other powers denied the right of Turkey to abrogate solemn treaty rights by unilateral action. The failure of the Senate to ratify the Treaty of Lausanne of 1923, which provided for the abolition of the Capitulations, left the United States in the unique situation of having to fall back upon the rights granted by the treaty of 1830. Realizing the futility of insisting on its legal pretensions to exterritorial privileges, the United States entered into a *modus vivendi* whereby it enjoys the same rights as other powers. It is important to note that the secularization of the Moslem legal system which began under the Young Turks has presumably advanced under the Kemalist regime sufficiently to constitute a valid theoretical ground for the abrogations of Capitulations, since religious distinctions are no longer to be drawn by the Turkish state.

Although Egypt long since ceased to be an integral portion of the Ottoman Empire and was formally proclaimed a British protectorate in 1914, it continued to maintain the Capitulations, with some important modifications. In 1875, after prolonged negotiations with those powers enjoying exterritorial privileges, the Egyptian government put into effect the Règlement d'Organisation Judiciaire instituting the remarkable system of Mixed Courts having jurisdiction in all civil and commercial litigation between foreigners and natives, as well as between foreigners of different nationalities. A Court of Appeals, sitting at Alexandria and composed of ten foreign judges and six Egyptian, and District or Trial Courts, sitting at Cairo, Alexandria and Mansourah, composed of three judges, two foreign and one Egyptian, were created. In all there are sixty-five judges appointed by the Egyptian government with the *agrément* of the foreign powers concerned. The United States has two judges in the Trial Courts. The Consular Courts continue to function in matters affecting their own nationals, with the exception of police offenses of a minor sort, while foreigners still enjoy freedom from personal taxation, inviolability of domicile and protection from arbitrary arrest.

A further modification of the Capitulations was made in 1889, when authority was conferred on the Court of Appeals to approve police regulations proposed by the Egyptian government, thus placing offenses of this nature under the jurisdiction of the Trial Courts. A still more important modification, made with the consent of the powers concerned, was the creation in 1911 of a Special Legislative Assembly in the Mixed Courts with power to approve changes and additions to all legislation intended to be applied to foreigners, with the exception of the imposition of new taxes. This system of Mixed Courts has worked with extraordinary success to the satisfaction of Egyptians and foreigners alike.

Other regions formerly parts of the Ottoman Empire abrogated the Capitulations as soon as possible after they had obtained their independence. Greece was granted capitulatory rights in Turkey in 1855. In one remnant of the old Ottoman Empire, Morocco, the Capitulations are still enjoyed by Great Britain (Spanish and French zones), Italy (Tangier zone), Japan, Holland and Switzerland (Spanish zone) and the United States (all zones).

PHILIP MARSHALL BROWN

See: EXTERRITORIALITY; COURTS; SOVEREIGNTY; JURISDICTION; CONFLICT OF LAWS; COLONIES; COMMERCIAL TREATIES; IMPERIALISM; INTERVENTION; DIPLOMATIC PROTECTION; NATIONALISM.

Consult: Toynbee, A. J., and Kirkwood, K. P., *Turkey* (New York 1927); United States, Department of State, *Message from the President . . . the Capitulations of the Ottoman Empire*, 47th Cong., Special Sess., Senate Ex. Document no. 3 (1881), and 47th Cong., 1st Sess., Senate Ex. Document no. 87 (1882); Brown, P. M., *Foreigners in Turkey* (Princeton 1914); Ravndal, G. B., *The Origin of the Capitulations and of the Consular Institution*, United States, 67th Cong., 1st Sess., Senate Document no. 34 (1921); Thayer, L. E., "The Capitulations of the Ottoman Empire" in *American Journal of International Law*, vol. xviii (1923) 207–33; Mandelstam, André, *La justice ottomane dans ses rapports avec les puissances étrangères* (2nd ed. Paris 1911); Pélissié du Rausas, G., *Le régime des capitulations dans l'empire ottoman*, 2 vols. (2nd ed. Paris 1910–11); Kunke, M., *Die Kapitulationen der Türkei, deren Aufhebung und die neuen deutsch-türkischen Rechtsverträge* (Munich 1918); Mazard, J. A., *Le régime des capitulations en Turquie pendant la guerre de 1914* (Algiers 1923); Abelous, F., *L'évolution de la Turquie dans ses rapports avec les étrangers* (Toulouse 1928); Crouzet-Rayssac, A. de, *Le régime des capitulations et la condition des étrangers au Maroc* (Paris 1921); Young, G., *Corps de droit ottoman*, 7 vols. (Oxford 1905–06) vol. ii; Moore, J. B., *A Digest of International Law*, 8 vols. (Washington 1906) vol. ii, p. 593–755; Chirol, Valentine, *The Egyptian Problem* (London 1920); Brinton, J. Y., "The Mixed Courts of Egypt" in *American Journal of International Law*, vol. xx (1926) 670–88; Bolm, E., *Die gemischten Gerichte in Aegypten* (Göttingen 1915).

CAPODISTRIAS, JOANNES, COUNT (Giovanni Antonio Capo d'Istria) (1776–1831), Russian and Greek statesman. He was born at Corfu and began his career in the service of the Septinsular Republic (Ionian Islands). His Hellenic patriotism was awakened through contact with certain Greek chiefs and he joined the secret society known as the Hetairia Philike. But he believed that the best hope for the Greek cause lay in Russia, and in 1809 he entered the Russian diplomatic service and gained the confidence of the emperor, Alexander I.

Like many other educated Greeks he had imbibed the doctrines of the French Revolution, or had at least learned its catchwords; and as adjunct minister for foreign affairs he became the inspirer, or at times perhaps only the mouthpiece, of the czar's liberal policies, as Nesselrode was of his conservative reactions. Metternich, indeed, regarded him as chiefly responsible for Alexander's "Jacobinism." This was an exaggeration; but there was something in the added accusation that he was "using Russian policy for Greek ends," and it seems clear that he encouraged Alexander Ypsilanti in his wild adventure into the Danubian principalities.

In 1827 he was elected president of the Greek Republic and was acclaimed not only as the representative of the national will of the Greeks but also as the symbol of the guaranteed support of Europe. He soon found, however, that liberal principles had no practical application in that turbulent society, and proceeded to apply the Russian methods which he had once employed with great success in the government of Bessarabia; and when the inevitable insurrection broke out he suppressed it with Russian aid. A personal affront to Petrobey, chief of the wild clan of the Mavromichales, led to his assassination.

W. ALISON PHILLIPS

Consult: Mendelssohn-Bartholdy, Karl, *Graf Johann Kapodistrias* (Berlin 1864); Lascaris, S. T., *Capodistrias avant la révolution grecque* (Lausanne 1918); Phillips, W. A., *The War of Greek Independence, 1821 to 1833* (New York 1897); *Cambridge Modern History*, vol. x, *The Restoration* (London 1907) chs. i and vi.

CAPPONI, GINO ALESSANDRO (1792–1876), Italian educationist, historian and man of letters. Capponi came of an illustrious patrician family of Florence and by virtue of his position, his learning, his literary activity and his part in important civic and cultural movements was over a period of about fifty years the most conspicuous figure in Tuscany. His name is associated with such widely different projects as the founding of the great Tuscan reviews the *Antologia italiana*, the *Guido dell' educatore*, the *Archivio storico italiano*, and the establishment of the first savings bank of Florence. While it was primarily as an intellectual figure that he entered into the Risorgimento, he was a zealous advocate of Italian unification. His conception was a federation headed by the pope, but he was sympathetic toward more extreme views. After 1860 he sat in the senate of the new kingdom of Italy.

Capponi's best works, those which most clearly illustrate his extraordinary insight into social and historical problems, were published either as brief essays or in fragmentary form. It is in such studies as *Sulle dominazione dei longobardi in Italia* (first published as a series of letters in the *Archivio*) and in the unfinished *Istoria di Pietro Leopoldo* (written between 1829 and 1834) and the *Saggio sull' istoria del cristianesimo nei primi due secoli* that he reveals himself as one of the most distinguished of the Italian Liberal Catholic school of historians. The promise of these works failed to be fulfilled in *Storia della repubblica di Firenze* (3 vols., Florence 1875; 2nd ed. rev. by the author, 1876; tr. into German, Leipsic 1876), the one work which in spite of many interruptions Capponi ultimately completed and the value of which is vitiated by the lack of a fundamental unity of conception. His masterpiece was the *Frammento sull' educazione* (Lugano 1846; new ed. by E. Codignola, Florence 1921), the most original contribution to the theory of education made by any Italian during the first half of the nineteenth century. Firmly convinced that all human activity should be a form of self-expression, Capponi was an implacable critic of any pedagogic method which attempted to establish abstract principles for the development of the human spirit. All knowledge not rooted in the student's concrete experience was intrinsically sterile. No artifice, however skilful, could enable the educator to persuade the mind of his student unless he was himself thoroughly imbued with the ideas of which he was the mouthpiece. It was in the spiritual darkness of the modern world that the "art of empty words" and the "mechanism of methods" had been developed as a feeble substitute for the great intellectual ideals of former times which through their own inherent power had sometimes addressed and dominated "the minds of an entire people during an entire century." Nothing but the vitalizing influence of fresh ideas could cause education to become once more spontaneous and truly formative. Capponi's letters, rich in source material on the history of the Risorgimento, have been collected in six volumes by Alessandro Carraresi (Florence 1884–90). Most of his works are to be found in *Scritti editi e inediti di Gino Capponi* (2 vols., Florence 1877), collected by Marco Tabarrini.

ERNESTO CODIGNOLA

Consult: Gentile, Giovanni, *Gino Capponi e la cultura toscana nel secolo decimonono* (Florence 1921), especially p. 7–31; Codignola, E., introduction to his edition of the *Frammento* (Florence 1921); Benetti-Brunelli, Valeria, *L'educazione nazionale nel pensiero di Gino Capponi* (Rome 1920); Reumont, Alfred von, *Gino Capponi e il suo secolo*, 2 vols. (Milan 1881); Croce, B. *Storia della storiografia italiana nel secolo decimonono*, 2 vols. (Bari 1921) vol. i, p. 136–39, vol. ii, p. 99.

CAPRIVI (DE CAPRARA DE MONTECUCULI), GEORG LEO VON (1831–99), German soldier and statesman. He served with great distinction as chief of staff of the tenth army corps in the Franco-Prussian war of 1870–71. In 1883 he reluctantly accepted from Kaiser Wilhelm I the appointment as chief of the admiralty. While in office he adhered to the policy of limiting the role of the German navy to the modest one of coast defense. In 1888 he was relieved of his post in the admiralty by Kaiser Wilhelm II and appointed commanding general of the tenth army corps in Hanover.

On the dismissal of Bismarck in 1890 Caprivi was named imperial chancellor and served until 1894. When Caprivi assumed the chancellorship a problem of foreign policy of the utmost importance was pressing for settlement, the renewal of the so-called reinsurance treaty with Russia which Bismarck had made extreme efforts to secure and which was much desired by Russia. Caprivi, who was quite without political experience, followed the advice of Baron von Holstein, secretary for foreign affairs, and permitted the treaty to lapse.

During the chancellorship of Caprivi Germany secured Heligoland from England in exchange for Witu and Zanzibar. New commercial treaties were negotiated with Austria-Hungary, Italy and Belgium. These treaties were designed to advance the interests of business and trade and aroused the violent opposition of Prussian agricultural interests. The most important measures of Caprivi's period of office bore upon the development of the army. In 1893 he introduced experimentally the two-year term of military service in place of the three-year term. This act was vigorously opposed by the army. Further opposition was aroused in 1894 by his unwillingness to take severe measures against the Social Democrats and finally led to his retirement from office.

Caprivi was a man of great simplicity of character with an unwavering sense of duty. Essentially fitted for a soldier's career, he was twice, by tragic circumstance, drafted into high offices for which he did not feel himself adequately equipped but which as a loyal subject he felt forced to accept. His speeches for the years 1883–93 were collected by R. Arndt (Berlin 1894).

BERNHARD SCHWERTFEGER

Consult: Schreck, Ernst, *Reichskanzler Graf Leo v. Caprivi* (Düsseldorf 1891); Germany, Auswärtiges Amt, *Die grosse Politik der europäischen Kabinette 1871–1914*, vols. iv, vi–ix.

CAPTAIN OF INDUSTRY. The term "captain of industry" came into current use in the late nineteenth century to designate a presumptively leading figure in capitalist organization. The metaphor in popular usage expresses the need in an era of business dominance to set up personal figures who might carry some part of the sentimental burden that had been borne in earlier ages by the military commander or the titled aristocrat. The concept of captain of industry was taken over by economic science in the course of the reaction against the excessively mechanized formulae of the classical and neoclassical schools. The captain of industry may be merchant prince or financial baron, cotton lord or railroad king. What is essential is that he should win his fame in money making or business activity, that he should stand out above his fellows by the size of his fortune, the power that he wields and the leadership that he exercises.

Although he is predominantly a modern figure he has put in an appearance wherever business organization has existed. Thus traces of his presence are found in Greece and Rome. During the Middle Ages he disappeared, but from the twelfth century onward he was found with increasing frequency in the fields of money lending and trading wherever there was a break in the old local, self-sufficient economy. The names of the Medici, the Fuggers, the Bardi, the Peruzzi, Jacques Coeur, are perhaps the best known of the period before the eighteenth century, but they were only the giants whose greatness has somewhat obscured the eminence of others.

The late eighteenth century marks the beginning of the modern period for the captain of industry. For the first time men in significant numbers were making fortunes in manufacturing, and among them some stood out sufficiently to deserve the title of captain: John Wilkinson the iron master, Boulton of the firm of Boulton and Watt, Wedgwood of the potteries, Tubeuf of the French coal mines, possibly Arkwright in the textiles, certainly, of a little later period, Brassey.

From this time on there has been no country of western Europe or America where capitalistic organization prevails, scarcely a field of economic activity, that has not at one time or another made its contribution to the roll of names of captains of industry. While the captain has been most conspicuous in the United States, his place in the economic life of England and Germany is only slightly less marked.

Questions at once suggest themselves as to what determines the time and place of his appearance, since he has never at any single time been found in all the fields under the domain of business. Is it mere chance that sets him up first in one place, then in another? Are there certain industries which by their nature are predisposed to produce or receive the captain? Are there stages in the growth of any industry—infancy, for example, or overgrown boyhood—with which he is likely to be associated? What brings him more often to one country than to another? Innate differences in the character of the people, as Sombart ably if somewhat unconvincingly suggests? Or differences in economic organization and the rate at which industrialization has taken place? The times when captains of industry have become most conspicuous in any country seem to have been periods of most rapid industrial development and their greatest prominence seems to have been attained in those countries in which industrialization has come most rapidly. But this raises the question whether the captain of industry is the cause of rapid industrialization or merely one of its effects. If his role is causal, is this sufficient to account for the differences between countries or have differences in the political organizations and cultural backgrounds of the countries themselves played a part not to be ignored? Has the absence of a ruling class and its traditions in the United States, for example, had something to do with the number of great industrialists as well as with their peculiar behavior?

A question at once arises concerning the role played by the captain of industry in the development of capitalism and industrialism. Unfortunately the economic historian has paid little attention to this question and as a consequence only the most tentative conclusions can be put forward.

The function of business men as a group in the growth of capitalism may first be considered in connection with the conversion to business organization of industries previously under some different form of control. Here fortunately there is general agreement. No one appears to doubt that the business man was the active agent in this conversion, either by putting his gains acquired in one field to use in another or by securing funds from others which he could use in ways not common in the industry of the time. The process has been most clearly traced in agriculture and the textiles but it was evidently going on in other fields as well.

When one turns to the special role played by the captain of industry as distinguished from his anonymous fellow business men the case appears far less certain. There is, however, little evidence that he had a distinctive part or that he was more active than the men of lesser fortunes either in borrowing and using or in financing. In coal mining, if anywhere, he might be expected to be found, as coal operations even before the industrial revolution required relatively large amounts of capital. In spite of the formation of joint stock companies the men who took part in the early capitalistic organization of the coal industry were probably drawn from the wealthier groups of entrepreneurs of the period, but who can say that the leading captains of industry concerned themselves with the fortunes of the industry? In the textiles, on the other hand, the evidence is quite clear that the men most active in promoting change were merchants with modest fortunes and masters who stood only slightly above their fellows. It is not at all clear that the spread of capitalism from one industry to another was appreciably speeded up by the rise of captains of industry.

Capitalism also spread by new industries rising under business organization. Here the question of the role of the business man in the growth of capitalism merges into the question of his role in the development of industrialism, and the two can best be considered together in connection with the rise of new industries. There is no such agreement about the role of the business man in this field as in the conversion of industries to a capitalistic basis. It is easy to draw a picture of the business man, especially the big business man, restless, active, ever seeking new opportunities for gain, new lines of activity. In fact this picture has been drawn so often that the captain of industry has appeared to be the sole promoter of new industries. There are obvious elements of truth in the picture; but it is after all only a partial picture. There have been times when the business man has been lethargic or indifferent and has had to be prodded into action. In the United States and in France, for example, the business man was a familiar figure before the railroads were built. Yet it was not the business men who took the initiative in their building, until rather rich inducements were offered by local or central government. It is obvious that where business organization is thought of as the natural if not the only way to organize industries business men must become interested in new lines of activity before new industries can be developed. The point is, however, that it has sometimes been necessary for others to point out to them the golden opportunity that lay open in developing new industries.

The special part of the captain of industry is less certain. Has he been more active than the general run of business men in promoting new industries and is this one reason for his greater success? Would his absence have meant a slower industrial development? Examples can be given where the answer clearly is yes. Boulton in the eighteenth century, Emil Rathenau and Henry Ford in the twentieth, not only won their fame from work with infant industries but as nearly as can be determined appreciably hastened the establishment of these industries on a firm basis. Furthermore, it is hard to believe that without these men the industrial development of their respective countries would not have been retarded.

On the other hand, it is not hard to find captains of industry who were not connected with new industries and to whom the newer industries of the time owed little. Harriman, Stinnes, Gary, may be mentioned here. Furthermore, not every new industry can be traced to some captain of industry. If the industries fathered by some industrial chieftain are either more numerous or more important than those whose origin is more obscure, this fact has not been established. Or if the activities of those captains who have not been concerned with promoting new developments have indirectly stimulated the growth of industry, this too is yet to be established.

In one field, however, there seems little question concerning the distinctive role of the captain of industry, and that is in the development of backward regions that knew neither capitalism nor industrialism. Here apparently his influence is so pronounced that it is slight exaggeration to say that without his efforts the heathen might have been left for generations in his blindness with no chance to worship smoke and steel.

Another question concerning the role of the captain of industry in the development of industrialism relates to the improvement of technological equipment. It seems clear, widely held theories to the contrary notwithstanding, that the captain of industry has neither consistently favored nor consistently blocked technological change. Rather his influence has been now in one direction, now in another, depending on many factors, among which his estimate of the relative profits to be gained from speeding or retarding change has always been important and often controlling. The records, however, as they have been compiled and analyzed, do not show in which direction he has leaned most frequently. They furnish some clear examples of outstanding business men who have actively promoted improvements in production and equally clear examples of industrial leaders who have been indifferent, if not hostile, to new inventions. On their face perhaps the records suggest that the former position is the more common, at least for the captains of industry. But so much of the evidence has been compiled by men who have never questioned the divinity of their gods that the point is far from established.

The influence of the captain of industry is more certain if we turn to the form of organization. It is obvious that his influence has always been toward increasing the size of the business unit. He has not only created large and ever larger enterprises of his own but his success has encouraged others to do likewise, so that even if his own establishment goes to pieces he leaves a permanent impress on industry. Here his contribution has been distinctive; it is hardly too much to say that every signal increase over the customary size of the business unit shows the handiwork of some captain of industry.

With the increase in size of the business enterprise have gone interesting consequences, of which the more obvious are increased possibilities for large scale or mass production. It should not be supposed, however, that an increase in the scale of production follows immediately or even inevitably upon an increase in size of the business unit. It is often true that for years after consolidation of financial operations under a single control no change is made in the size of the productive establishment. But among the contributions of the captain of industry should be set down the large business enterprises which have made for conditions favoring mass production and machine technique. Thus even those captains of industry who were themselves indifferent to technological advance indirectly at least did something to promote it.

Sometimes too the concentration of many business ventures in an industry under a single control has brought elements of order where chaos had prevailed. This would be stated differently by those whose faith rests in the unseen order of free competition. To them the dominant position of a single firm represents not a step toward order but the emergence of the trust problem.

In the hands of the captain of industry the business enterprise has not been confined to a single industry. Especially in more recent years a characteristic of his operations has been the union of alien activities under a single control. Sometimes the activities and their unification have brought about that integration of industry which is such a marked feature of recent industrial development. At other times there seems to have been no pattern followed in extending into various fields, but the union which resulted must be accounted for by the chance of the moment or by the personal interests of the captain of industry. The integration of industry may, as some think, mark a new and desirable stage in industrial organization; in this event the captain of industry must be given credit. The concentration of control with no basis in industrial processes can only represent confusion. And this too must be set down to the account of the captain of industry.

Whatever his role in industrial development, the captain of industry as a figure prominent in the popular imagination has played an important part in social and political life. As a social figure he has often exhibited spectacular, and sometimes vulgar, ostentation. He has helped to extend the range of the canon of conspicuous waste. His intervention in the political life has often exhibited a sense of superiority to the current rules of political morality and even to the law. Often in America at least he has been found, and more often suspected of, dictating his will to officers of the state or corrupting them with his gold. Often he has shown such slight sense of responsibility for the well-being, so little regard for the human rights, of the workers in his establishments that he has almost become a symbol of the oppressive employer. On the other hand, the captain of industry has often exhibited a generous public spirit. He has often stood out as a patron of the arts or sciences; he has contributed freely for broad humanitarian purposes, and the cases are not rare in which he has been active in movements for better government. Often he has taken a genuine interest in the welfare of his employees, and if this interest has too often taken a paternalistic turn, the captain of industry who understands and respects the ideals of organized labor is by no means unknown.

In spite of the general interest in the captain of industry very little is known as to the real character of the type—if it is indeed a type. We have of course a large and growing number of biographies of industrial leaders, but these either deal so exclusively with externals that they tell little of character or, if they attempt to give qualities, are so obviously cut from a standard pattern that they tell more of the biographer or of the prevailing legend than of the captain of industry. We have also generalized descriptions of the entrepreneur, with suggestions that the captain of industry is this type raised to its highest power. Some of these generalized descriptions are extraordinarily interesting and list many of the qualities that one would expect to find characteristic of captains of industry from the nature of their activities. But the descriptions stop with listing qualities; they do not for the most part even try to point out the special combination of qualities which distinguish the industrial leader and without which no man can become a captain of industry.

It is often suggested that the conditions which have brought the captain of industry into prominence are passing and that he is destined to take his place, as a purely historical figure, alongside the knight and nobles of an earlier age. The scale of industrial and business activity has already become so vast that it is perhaps becoming impossible for one man to win a position of dominance. Organization is becoming so complex that possibly it can be run only by cooperation of specialist with specialist. It may be that a bureaucracy is about to replace the outstanding leader. On the other hand, new men may arise who are able to use the bureaucracy for their own ends or who even as part of the bureaucracy will stand out above others quite as distinctly as a captain above his men. At the present time it is impossible to say whether the captain of industry has seen his day or will in the future compare with those of the late nineteenth and early twentieth century, as a Gary with a Wilkinson, a Rockefeller with a Tubeuf or a Morgan with a Fugger.

Helen R. Wright

See: Entrepreneur; Business; Capitalism; Industrialism; Imperialism; Business Administration; Plutocracy.

Consult: For the Captain of Industry in the History of Capitalism: Cunningham, William, *The Growth of English Industry and Commerce*, 3 vols. (5th ed. Cambridge, Eng. 1910–17); Sombart, Werner, *Der moderne Kapitalismus*, 3 vols. (6th ed. Munich 1924–27); Sée, H. E., *Les origines du capitalisme moderne* (Paris 1926), tr. by H. B. Vanderblue and G. F. Doriot as *Modern Capitalism* (London 1928), and *La France économique et sociale au* XVIII^e *siècle* (Paris 1925), tr. by E. H. Zeydel as *Economic and Social Conditions in France . . .* (New York 1927); Mantoux, P. J., *La révolution industrielle au* XVIII^e *siècle* (Paris 1906), tr. by Marjorie Vernon (rev. ed. London 1928); Renard, G. F., and Weulersse, Georges, *Le travail dans l'Europe moderne* (Paris 1920), tr. by Margaret Richards as *Life and Work in Modern Europe*, History of Civilization series (London 1926); Lord, John, *Capital and Steam Power 1750–1800* (London 1923); Ashton, T. S., *Iron and Steel in the Industrial Revolution*, University of Manchester, Economic History series, no. ii (Manchester 1924); Ehrenberg, Richard, *Das Zeitalter der Fugger*, 2 vols. (3rd ed. Jena 1922), tr. by H. M. Lucas (London 1928); Tawney, R. H., *The Agrarian Problem in the Sixteenth Century* (London 1912); Unwin, George, *Industrial Organization in the Sixteenth and Seventeenth Centuries* (Oxford 1904).

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CARAFFA, GIOVANNI PIETRO. *See* Paul IV.

CARBONARI was the name of a secret society which spread throughout Italy and France during the period following the Treaty of Vienna as a protest against the attempt of the Holy Alliance to reestablish the political situation which had existed before 1789. According to the treaty the Bourbons, represented by Louis XVIII, were restored in France. In Italy the kingdoms established by Napoleon were effaced and the peninsula was redivided into a group of petty states. Lombardy and Venetia were governed directly by Austria; Austrian princes ruled in Modena, Parma and Tuscany; Piedmont, while governed by a native ruler, Victor Emmanuel I, was subject to defensive and offensive alliances with Austria; and the Bourbon Ferdinand returned to his Neapolitan throne under a secret pledge to Austria that he would introduce into his kingdom "no principle irreconcilable with those adopted by His Imperial Majesty in the government of His Italian kingdoms"—an unnecessarily indirect endorsement of absolutism. In order to perpetuate its reactionary regime the Alliance instituted an elaborate police system and summoned a series of congresses through which the powers acted "in concert" to suppress dangerous movements. What the Holy Alliance sought to do was to obliterate the traces of liberalism left by the French Revolution; what it actually accomplished was to drive them under cover. The secret society became the customary refuge of revolutionary ideas, not merely because it was secret but because it offered as a counterpoise to the elaborate organization of the Alliance the advantage of cooperative activity. The Carbonari was the most prominent of these societies.

At the beginning of the restoration period Italian Carbonarism had achieved, within a small sphere, a definite organization and had evolved certain political ideals which, although vague and abstract, were to dominate it throughout its existence. This evolution had taken place in the kingdom of Naples under the Napoleonic regime of King Joseph and of Joachim Murat.

As the masons' guild was the prototype of freemasonry, so the charcoal burners' guild of the French forest was the prototype of Carbonarism. The latter first manifested itself as a political force in the province of Franche-Comté during the last years of the old regime and the early years of the French Revolution, when the "Bons Cousins Charbonniers" borrowed the ritual of the ancient guild and formed an association for corporate defense, which became a vehicle of revolutionary ideology. Introduced into Naples about 1806, perhaps through the journalist P. J. Briot, who had been a "Bon Cousin," the society developed into a formidable center of opposition to Napoleon. Spreading first among the disaffected officers of the Grande Armée, where secret societies of a masonic character had long flourished, it soon found willing recruits among the native classes, particularly the landed property holders and priests, who had suffered most from the advent of Napoleon. The Neapolitans were quick to accept the revolutionary, quasi-republican catchwords of the French—an ideological heritage which they were never to outgrow; but as Carbonarism fashioned new bonds, cutting across class and local divisions, they began to nurture the first seeds of nationalism. At the same time, under the influence of the Spanish liberal rising of 1812 and the English rule in Sicily, their amorphous ideals of universal brotherhood and enfranchisement became transformed into a somewhat more specific demand for constitutional government. Thus it was within the ranks of the Carbonari that the two ideals which were to remain the constants of the political thought of the Risorgimento—Italian unity and constitutionalism—had their opaque inception.

When the Napoleonic regime ended and the restoration period began, Carbonarism as it had been organized in Naples spread to other parts of Italy: to the Papal States, where it struggled for its existence against the arch-statesman Consalvi; to Piedmont, where it recruited the students and younger members of the nobility, among whom it became something of a fashion; to Lombardy, where under the guidance of Confalonieri it became something of an intellectual creed; and in lesser degree to the other Italian states. Until 1820, however, the Carbonari remained little more than a threat, an intangible force which the various absolutistic governments now sought to conciliate, now sought to extinguish. Its political aims were entangled in a quasi-masonic ritual of signs, passwords and symbols and were imparted only to the higher orders, to which after a period of apprenticeship under oath of secrecy and obedience members might or might not be admitted. If the Carbonari stood for constitutional government, the exact nature of the fantastic constitutions which they hoped to build varied through every shade of republicanism and limited monarchy. They were equally unspecific about their ideal of Italian unity. Their organization, despite its vast pretensions, was loose, unstable and undemocratic. The lodges or *ventes* in each state were theoretically held together by a Grand Lodge, but schisms were frequent; and the organizations of the various kingdoms were affiliated only by bonds of sympathy. Moreover, Carbonarism was at no time a popular movement. Its real tendency was to detach itself from the state and to provide a government for its own members, the great majority of whom were in fact drawn from the bourgeoisie. These, and the lack of practical leaders, were the weaknesses of the society. How fundamental they were was to become clear during the Carbonarist rising of 1820–21.

The first manifestation of the rising was in Naples. The Spanish liberal movement of 1820 had resulted in the granting of a constitution, which as prospective heir to the Spanish throne Ferdinand of Naples had recognized. Having at last discovered a definite symbol upon which their political mysticism could fasten, the Carbonari began to demand that Ferdinand grant the Spanish constitution to Naples. By the summer of 1820 their ranks had swollen to perhaps 300,000, consisting principally of small property holders whom the economic distress of 1820 had roused into action and the provincial militia, which since its organization in 1817 had been a stronghold of Carbonarism and which was now dominated by the Carbonaro Guglielmo Pepe and by romantic adventurers. Revolution independently precipitated by a regiment located at Nola spread throughout the kingdom, and Ferdinand, once more forced to bid for his throne, granted the Spanish constitution to Naples. It was after the assemblage of Parliament in October that the inadaptability of Carbonarism to political action was most strikingly revealed. Incapable, except for an insurgent group which demanded a republic, of extending their vision beyond the unworkable Spanish constitution or of providing their bourgeois constituents with much needed social reforms, unwilling to conciliate liberals like the minister Zurlo outside their ranks, powerless in the face of the mounting budget, the Carbonari rapidly lost their hold upon the people. Meanwhile, at the congress of Troppau in 1820 the Holy Alliance had signaled its intention to intervene in Neapolitan affairs; at the congress of Laibach in 1821 Ferdinand solemnly foreswore his oath to the Spanish constitution and consented that an Austrian expeditionary force be sent to Naples. When on the twenty-third of March the Austrian force, having defeated General Pepe's disheartened band at Rieti, entered Naples, the Carbonari had already disintegrated.

The course of the Carbonarist revolution in other parts of Italy is eloquent evidence of the incapacity of the society for concerted action. Under the direction of Santa Rosa the Piedmontese Carbonari had been making more or less indefinite plans for revolution since 1820; but before launching their supreme attempt they were awaiting the word of the young heir to the throne, Charles Albert, whom in their weakness for hero worship they had taken as a symbol of liberalism. It was not until after Rieti that their revolution actually broke out, and then it needed only the duplicity of Charles Albert and a fresh Austrian expeditionary force to seal its doom. With the failure of the Carbonari of Lombardy the heroic period of Italian Carbonarism ended and the period of retribution under the strong hand of Austria began. Most of the prominent leaders were sentenced to exile or imprisonment. Only a few isolated incidents, particularly the risings in Modena and the Papal States after the French revolution of 1830, attested the continued presence of the Carbonari in Italy. Nevertheless, in the Italian imagination the ideas of independence, unity and liberty had become to a large extent associated with Carbonarism. Mazzini saw the weakness of the secret society as an instrument of revolution and in organizing Young Italy attempted to create a movement which should recruit the whole population without restriction of membership and which should have no secret in its doctrine. But the methods of Carbonarism infected Young Italy and it too developed into a secret society.

The last scene of the Carbonarist revolution was France. The French society was organized in 1820 by a group of young students, Bazard, Buchez, Flotard, Jouvert and Dugied, who had already been affiliated with another secret society, the Loge des Amis de la Vérité. Besides students the chief elements in the French Carbonari were retired officers and soldiers of Napoleon, natural enemies of the Bourbon regime; members of the active militia, whom the peaceful policy of the government deprived of opportunity for occupation, glory and promotion; and liberal members of the professional classes. The society also gained the adherence of certain prominent radicals in the Chamber of Deputies: Lafayette, Dupont de l'Eure, d'Argenson, Corcelles, Koechlin and Beauséjour. The French Carbonari corrected certain of the weaknesses of the Italian society. They discarded part of its ritual, particularly the religious elements; and in theory at least they created a more democratic, more closely knit organization. A definite hierarchy corresponding to the various political divisions of the nation—commune, canton, department, etc.—was headed by a *vente suprême*, which theoretically determined the policy of the entire society through a system of congresses. Nevertheless, the Carbonari failed in France as ignominiously as in Italy. The only common sentiment among the various groups in its composition was hatred of the Bourbon regime; beyond that their allegiance was divided among republicanism, Bonapartism and Orléanism. An attempt was made to find a least common denominator of political principle in the constitution of 1791; but such a program satisfied no one in particular and won only perfunctory acceptance. The standard raised by the Carbonari was that of revolution pure and simple, not of social reform. Hence the masses stood inertly by, permitting the official police and military forces to hold the Carbonari in check. Between December, 1821, and July, 1822, eight conspiracies organized in various sections of France—in Paris, in the departments of the east and southeast, in Normandy and along the Loire—were speedily suppressed, and by 1823 the society had completely disintegrated and dispersed. What it left in its wake was a memory sanctified by the martyrdom of its defeated conspirators—General Berton, Colonel Caron, the four sergeants of La Rochelle—and an indelible impression upon a group of young men, former Carbonari, who were to play an important part in subsequent French history. Buchez, Bazard and Chevalier were disillusioned by their experience and passed over to Saint-Simonism. Others retained their faith in the secret society as a revolutionary force and formed an association which became the nucleus of another society of the restoration, Aide-Toi, Le Ciel T'Aidera. Some republican societies of the July Monarchy were descended in both personnel and ideology from the Carbonari.

Georges Bourgin

See: Secret Societies; Revolution; Conspiracy; Constitutionalism; Nationalism; Republicanism.

Consult: Bourgin, Georges, *La formation de l'unité italienne* (Paris 1929); King, Bolton, *The History of Italian Unity*, 2 vols. (London 1899) vol. i, ch. ii; Dito, Oreste, *Massoneria, carboneria ed altre società segrete nella storia del risorgimento italiana* (Turin 1905); Johnston, R. M., *The Napoleonic Empire in Southern Italy*, 2 vols. (London 1904) vol. ii; Mathiez, Albert, "L'origine franc-comtoise de la charbonnerie italienne" in *Annales historiques de la révolution française*, vols. i–vi (Reims 1924–29) vol. v, p. 551–61; Calmette, A., "Les carbonari en France sous la restauration" in *La révolution de 1848*, vols. i–xxv (Paris 1904–29) vol. ix, p. 401–17, and vol. x, p. 52–73, 117–37, 214–30.

CÁRDENAS, FRANCISCO DE (1816–98), Spanish jurist. His first contribution to the study of Spanish law was a series of essays in *El derecho moderno*, many of which were subsequently collected and published as *Estudios jurídicos* (2 vols., Madrid 1884). He demonstrated his ability as a jurist in his report on the reform of the civil code in 1850 and by his substantial share in the drafting of the current Spanish mortgage law. Cárdenas was affiliated with the conservative party and held many important political positions, including the ministry of justice in the cabinet of Cánovas del Castillo in 1874.

His work "Algunas noticias acerca de los progresos y estado actual de la legislación civil y penal de Inglaterra" (Real Academia de Ciencias Morales y Políticas, *Memorias*, vol. ii, 1867, p. 285–301) and the *Estudios jurídicos* are scientifically interesting, but his most important work is the *Ensayo sobre la historia de la propiedad territorial en España* (2 vols., Madrid 1873–75). This history runs from early times down to the first years of the nineteenth century. The section on mediaeval law, dealing with the feudal system, manorial estates, free cities and Mussulmanic law, was completely superseded by the more recent researches published in the *Anuario de historia del derecho español* (vols. i–vi, Madrid 1924–29), but interest still attaches to parts of the second volume devoted to church property and the influence of the laws of primogeniture on property entailment. Cárdenas' "Estado de la población y del trabajo en las islas de Cuba y Puerto Rico" (Real Academia de Ciencias Morales y Políticas, *Memorias*, vol. iv, 1883, p. 419–54) is important for a critical appreciation of the socio-economic status of the natives and contains valuable data on the agrarian economy and the production of the cane sugar mills in those countries as compared with British Guiana or Barbados, where free instead of slave labor was used.

Fernando de los Ríos

CARDOZO, JACOB NEWTON (1786–1873), American editor and economist. Cardozo became acting editor of the *Southern Patriot* (Charleston, S. C.) in 1817, and from 1823 to 1845 was its proprietor. Although the journal was a recognized free trade organ Cardozo used it in 1822 to support Congress in its retaliatory measures against Great Britain's closing the West Indies to American trade. In 1827 or 1828, at the request of the Charleston Chamber of

Commerce which he had helped to revive, he drew up what he believed was the first memorial from the South protesting against the "Bill of Abominations." Cardozo did not participate, however, in nullification.

In his *Notes on Political Economy* (Charleston 1826) Cardozo sought to refute the Ricardian teachings of John McVickar's *Outlines of Political Economy* (New York 1825). Cardozo was unwilling to have American statesmen guided by the doctrines of the European classical school, which were pessimistic not from the nature of economic law but because of "a vicious social organization." America, "whose institutions and laws have done less to derange the natural order of things," was, he felt, a better place for the investigation of economic laws. Cardozo criticized the Ricardian rent theory and the Malthusian principle of population, connecting increase in population with improvements in agriculture, not with decreasing returns from the soil. To this extent he may be considered a member of the American nationalist school, of which Daniel Raymond was an earlier proponent and Henry C. Carey the later leader. He differed from them, however, in his vigorous advocacy of free trade.

Broadus Mitchell

Consult: Elzas, B. A., *The Jews of South Carolina* (Philadelphia 1905) p. 176–79; Turner, J. R., *The Ricardian Rent Theory in Early American Economics* (New York 1921) p. 75–82.

CARDUCCI, GIOSUÈ (1836–1907), Italian poet and literary historian. He was born in Valdicastello and in 1860 became professor of Italian literature at the University of Bologna, where he remained until his death. He was the last of the great classic poets of Italy: a dreamer and idealist, a man of deep moral feeling as well as of a profound sense of sorrow and of love, who clothed his emotions in simple, vigorous forms enriched by living knowledge of the history of art. These qualities are revealed most clearly in the lyrics of his maturity: the *Rime nuove* and the *Odi barbare*. A more practical aspect of Carducci's activity was his role in the political and moral life of Italy after its unification. Absorbing the spiritual tradition of the Risorgimento he presented patriotism not in a nationalistic light but precisely as a moral force permeating the life of the whole community and contributing to its continuous progress toward higher forms. Carducci was democratic and yet at the same time attached to the past: herein lies the key to the evolution of his political views. In his youth he was a republican, a follower of Mazzini and Garibaldi, passionately devoted to Rome, which in those years had not yet been restored to Italy. In later life he came to understand and to acclaim the significance of the monarchy of Savoy, which had forged a bond between the old Italy and the new, had combined political wisdom and military strength with constitutional government and liberty and had unified Italy. His work as a moral educator constantly fostering, by work and example, the qualities of simplicity and strength was in harmony with this imaginative political idealism, as were his investigations as scholar and teacher into the entire history of Italian literature. Carducci's *Opere* have been collected in twenty volumes (Bologna 1889–1909) followed by one volume of works published posthumously and two of letters.

Benedetto Croce

Consult: Chiarini, G., *Memorie della vita di Giosuè Carducci* (2nd ed. Florence 1907); Croce, B., *Giosuè Carducci* (2nd ed. Bari 1927); Meozzi, A., *L'opera di Giosuè Carducci* (Florence 1921); Jeanroy, A., *Giosuè Carducci, l'homme et le poète* (Paris 1911); Williams, O., *Giosuè Carducci* (London 1914).

CAREER. This term is applied to any continuous and conspicuous work in which notable achievement may be won. Its scope changes inevitably with changing institutions, activities and values. What constituted a career in the Athens of Pericles, in the mediaeval church, in Victorian England or in twentieth century America varies as widely as the civilizations themselves. Careers, in other words, have as much to do with the particular social arrangements of the era in which the individual finds himself as with the possession of "innate" talent.

Every age holds in high regard certain fields of activity in which special recognition may be won and also determines by its institutions who shall be eligible to compete for its prizes. The gifted business executive cannot, under the Soviet system, achieve a career as a private capitalist. He may, however, have a career of honor and fame in serving the state. Even in the arts, in which talent would seem to be the one necessary qualification, the possibility of a career depends upon many factors in the social situation, particularly the specific arrangements for the stimulation and reward of talent. Patronage and support may come from rulers, courts, church, nobles, political parties or the general public at large, but whatever the arrangements for support, careers in art must depend upon and vary with them. And the same is true of careers in general. Whether the system be one of communism or caste, democracy or status, careers are determined by the repute in which different services are held by the community and the support provided for them.

The growth of political and social democracy has had notable effects both upon the conception of career itself and upon those social arrangements which determine the opportunities for careers. The Napoleonic era defined democracy as a condition in which "the career is open to talent," and although it failed to achieve this goal the idea has been one of the guiding principles of all democratic movements. Moreover the tremendous economic changes of the past century have swept away many of the old barriers; and today the demands of the machine age call for talent wherever it can be found, irrespective of class, race or creed. The necessities of industrialism have been gradually breaking down the age long prejudices against certain forms of work which have existed for centuries in different countries and among different races. One recalls the exclusion of the Theban shopkeepers from the magistracies, and the law which forbade the Spartiate to engage in any pecuniary occupation whatever.

This tabu against commercial and industrial employments Veblen explores in his *Theory of the Leisure Class* (New York 1899), pointing out that the normal and characteristic occupations of the upper classes have been government, war, devout observances and sports, and that the more any work has to do with the immediate concerns of getting a living, "elaborating the material means of life," the less honorable it is. Certainly the distinctions between occupations with respect to honor, which Veblen traces back to the distinction made in barbaric times between exploit and drudgery, have with diminishing force persisted even down to our own day. In early modern England, when the aristocracy held a monopoly of political power, careers were identified almost entirely with government posts and were open only to the upper class or to those of the middle class who were elevated to the peerage. Younger sons were indeed sent into trade and the professions, a practise sharply contrasting with that of the continent, where every scion of an aristocratic stock was expected to hold aloof from the vulgarities of trade. The stricter English aristocrats shared the continental dislike of trade and looked with little less scorn on the professions, with the exception of the army and the higher grades in the church. Foreign trade, it might be noted, was held in far greater respect than domestic, and wholesale was more favorably regarded than retail. The waning of the political power and privileges of the aristocracy manifested itself in a change of attitude toward occupational activities. Certain professions, like law and medicine, came to be more highly regarded, as they had long been in Scotland, where every ambitious family was ready to incur heavy sacrifices in order to give the most gifted son the education which would enable him to enter one of the learned professions.

How limited was the field for careers in England as late as 1855 is seen in the report of that year on the *Reorganization of the Civil Service*, in which the need for new careers was emphasized. "Everyone who has had to advise . . . knows how extremely and increasingly common is the case of those young men who scruple to take Orders, have no chance at the bar, and yet possess that kind of ability, and that amount of attainment, which would be inapplicable to engineering and thrown away upon farming. . . . I have known young men, neither ignorant, nor dull, nor idle, nor dissipated, who yet, for want of one more profession to choose from have been condemned to years of inactivity, with little or no fault of theirs."

There is a sharp contrast between this situation and that existing today in America where the field for careers is practically coextensive with the entire field of activity. Conspicuous success in almost any occupation is tantamount to a career, whether it be in the professions or in business. The merging of the conception of career with that of pecuniary success has been accomplished partly by the elevation of business in the general esteem, partly by the devaluation of the non-pecuniary elements in the traditional career. While it is not true that honor is accorded to callings precisely in the measure of their lucrativeness, that the real estate dealer and the artist are reduced to the common scale of money income, nevertheless there is a closer approximation to this condition in America today than has ever appeared in any of the older countries. Conventional patterns of achievement have been broken down, and the man who "makes good in his own line" wins his place in the community. Moreover, America has been par excellence the land of entrepreneurial opportunity; and the prevailing doctrine of the essential harmony of private and public gain has given to individual success the stamp of public approval.

The most conspicuous extension of the conception of career in the twentieth century and a further step in its democratization is its application to women's work. At the outset of the feminist movement there was a presumption that only the woman with exceptional talent—the great actress or the great singer—was justified in having a career, with all that it meant in the repudiation of ordinary domestic and family duties. Today, however, the term is used for any self-supporting business or professional position outside the home. Outstanding talents and gifts are not required. A career for women has come to mean the carrying on of distinctive individual activity as against being merged in the family group. The causes of this change in woman's status must be sought in the industrial and social changes which have taken to the factory so many of the domestic processes normal to the home of fifty years ago, in the revolutionary changes in women's education and in the feminist movement, which is partly cause and partly effect, registering as well as initiating change.

One of the essential problems of democratic social policy is that of the discovery and reward of talent. The outstanding feature of a democratic scheme of education is that on the widest possible scale it provides for the discovery and training of ability in different fields. The working out of this tendency can be seen in the growing substitution of individual training for rigid classroom methods, in the development of personnel studies and in the building up of schemes of vocational guidance whose aim it is to bring human beings and jobs into such fruitful relations that careers will be opened to the talented and that those without talent may find their most useful place. Here as elsewhere in social theory there is a cleavage between those who would trust largely to the forces of the market place to achieve a nice discrimination in this matter and those who assert the need of conscious purposive control. The advocates of control maintain that the discovery and training of talent as well as its support must be the object of social planning if a society is properly to provide for the maintenance of careers which are essential to its own successful living.

HELEN EVERETT

See: PROFESSIONS; PUBLIC OFFICE; LABOR; CLASS; ARISTOCRACY; STATUS; AMATEUR; LEISURE; DEMOCRACY; BOURGEOISIE; BUSINESS; PLUTOCRACY; WOMAN, POSITION IN SOCIETY; VOCATIONAL GUIDANCE.

CAREY, HENRY CHARLES (1793–1879), American economist and publicist. Retiring as head of a Philadelphia publishing house in 1835, Carey thereafter devoted himself mainly to economic studies and became an outstanding antagonist of the current English political economy. His fundamental postulate was the unity of the laws of nature. Social science was conceived as the discovery of those laws by the application of which man may improve his conditions through the development of human association and individuality. Carey's theory of value, central to his system of thought, is substantially a labor-cost theory. But stressing dynamic improvements in man's power over nature he explained the ratio of exchange, derived from a reciprocity of services ("labor saved"), as expressing labor costs of reproduction. Applied as a universal law to all cases of value (excluding labor), it included land, thus making of rent merely a special case of interest. While the gross returns from land were asserted to rise progressively with the historical movement of cultivation from poorer to better lands, the share of output returned as land rent was to fall with the progress of civilization. Carey denied the Malthusian doctrine and sought to establish a principle of increasing relative remuneration to labor as compared with that of capital.

In its entirety his system was one of economic harmonies comparable to that of Bastiat, whom Carey accused of plagiarism. Philosophically Carey represented essentially a return to Adam Smith; nevertheless he advocated a system of tariff protection. Carey's intellectual associations were most diverse. But his thought is less important as an example of intellectual trends than as a demonstration of the inapplicability of the Ricardian economics to American circumstances. Impressed by America's abundant resources and hopeful prospects Carey attacked the dynamic implications of the Ricardian system. If his protectionism appears as an unconscious deference toward a rising industrialism, his economic philosophy is nevertheless essentially agrarian, stressing the overwhelming importance of a prosperous agriculture.

Carey's writings ran to thirteen volumes and endless pamphlets and articles. He was the first American economist to win a following abroad and was the center of a controversy in which Max Wirth, Eugen von Dühring and Francesco

Ferrara tried to defend his system against the attacks of Lange and Held. His principal books were translated into nine languages and his influence was probably greater abroad than at home.

PAUL T. HOMAN

Important works: *Principles of Political Economy*, 3 vols. (Philadelphia 1837–40); *The Past, the Present and the Future* (Philadelphia 1843); *Principles of Social Science*, 3 vols. (Philadelphia 1858–59); *The Unity of Law: as Exhibited in the Relations of Physical, Social, Mental and Moral Science* (Philadelphia 1872).

Consult: Jenks, J. W., *Henry C. Carey als Nationalökonom*, Sammlung nationalökonomischer und statistischer Abhandlungen des staatswissenschaftlichen Seminars zu Halle, vol. iv, pt. i (Jena 1885); Turner, J. R., *The Ricardian Rent Theory in Early American Economics* (New York 1921) ch. vi; Teilhac, Ernest, *Histoire de la pensée économique aux États-Unis au dix-neuvième siècle* (Paris 1928) ch. ii; Levermore, Charles H., "Henry C. Carey and his Social System" in *Political Science Quarterly*, vol. v (1890) 553–82.

CAREY, MATHEW (1760–1839), American editor, publisher and economist. Carey, a native of Ireland, came to Philadelphia in 1784 after being convicted for libelous criticism of the Irish policy of the British ministry. Here the "persecuted printer" was introduced to Lafayette, whose financial assistance gave Carey his start in American journalism. As editor of the *American Museum* he became identified with the political life centering in Philadelphia. In 1791 he entered the bookselling and publishing business, eventually making the firm of Carey and Lea the chief publishing house of its time. After organizing in 1819 the Philadelphia Society for the Promotion of National Industry he retired from business to become an early champion of the "American system" for the promotion of domestic industry. Under the auspices of this society, which patronized Friedrich List during his American residence, Carey published most of his writings.

Carey's first work of general interest was *The Olive Branch* (Philadelphia 1814; 10th ed. 1830), an effort to harmonize the factional interests during the War of 1812. *The New Olive Branch* (Philadelphia 1820; 2nd ed. 1821) is an impassioned commentary on the ruin spread among American industries by the heavy influx of European goods after the Napoleonic wars. Its main burden, taken up repeatedly throughout his many tracts and his *Essays on Political Economy* (Philadelphia 1822), is the need of protective tariffs to encourage American manufactures and to expand the domestic market for raw materials. In addition to the tariff he urged a program of internal improvements to achieve an economic "harmony of interests" conducive to the preservation of the Union. In the less important of his pamphlets, some of which were published anonymously or under various pseudonyms, Carey dealt with such public questions as banking and currency reform, factory labor, immigration, charities and religious liberty.

A. D. H. KAPLAN

Consult: Bradsher, E. L., *Mathew Carey*, Columbia University, Studies in English, 2nd ser., no. xix (New York 1912); Maier, E. F. J., in American Catholic Historical Society, *Records*, vol. xxxix (1928) 71–154, containing bibliography.

CARLE, GIUSEPPE (1845–1917), Italian legal philosopher. Carle became professor of the philosophy of law in the University of Turin in 1872 and was later senator of the realm. Following in the path of Vico, Romagnosi and Gioberti he turned from the metaphysical abstractions and exaggerations of Spencerian positivism to the historical and psychological method grounded in the methods and findings of the social sciences, which he was among the first to introduce and apply in Italy. In his *La vita del diritto nei suoi rapporti colla vita sociale* (Turin 1880, 2nd ed. 1890) he discussed law in its relation to the life of society, examining the latter in its three stages, patriarchal organization, city-state and modern national state. In *Le origini del diritto romano* (Turin 1888) he reconstructed organically, by sociological methods, the primitive Roman law and showed that the formation of Rome and of its law was not the outcome of a process of true evolution but rather the result of a selection of elements inherent in the gentile organization. In *La filosofia del diritto nello stato moderno* (Turin 1903), of which only one volume was published, he laid the foundations of a system of legal philosophy sufficiently comprehensive to meet the requirements of the modern nation state, and particularly of the new state of Italy. Like Gioberti, Carle had a vital conviction of Italian supremacy in juristic and social studies and like his teacher, Mancini, he stressed nationality as the basis of the modern state.

G. SOLARI

Consult: Solari, G., "La vita e il pensiero civile di Giuseppe Carle" in R. Accademia delle Scienze di Torino, *Memorie*, 2nd ser., vol. lxvi (1926) no. 8.

CARLETON, GUY, FIRST BARON DORCHESTER (1724–1808), British soldier and colonial administrator. He governed Canada from 1766 to

1778 and, after having served as British commander-in-chief at the close of the Revolutionary War, from 1786 to 1796. The beginning of the office of governor general may be traced to his appointment in 1786 as governor not only of Canada but also of Nova Scotia, New Brunswick and Prince Edward Island in order to consolidate what was left of British North America after the wreck.

His influence is still felt through the Quebec Act (1774), for which he has been held chiefly responsible. This act was based on his assumption of the impossibility of imposing British institutions upon the Canadians, who were at that time almost all French, and on the failure to attract more than a few hundred English speaking urban settlers to the country. In the face of the troubles with the old colonies Carleton sought to win over the Canadians by giving them a constitution that they desired. Because the Quebec Act guaranteed them their religious system and their civil law French Canadians today regard it as their charter of liberties, but at the time the clergy and the *seigneurs* were the only classes in Canada which welcomed it, because Carleton committed two errors. Failing to perceive the emancipating influence of frontier conditions he aimed at controlling the *habitants* through the *seigneurs*, thus arousing the resentment of the former. He also alienated the small but influential English speaking mercantile minority by disobeying the home government's instructions to modify the legal system in their favor. The consequent discontent opened Canada to invading armies from the revolting colonies, where the act was considered one of the "Five Intolerable Acts," and also contributed to the racial strife of the early nineteenth century.

A. L. BURT

Consult: Wood, W., *The Father of British Canada* (Toronto 1916); Bradley, A. G., *Lord Dorchester* (2nd ed. by A. L. Burt, Toronto 1926); *The Cambridge History of the British Empire*, vol. vi, *Canada and Newfoundland* (Cambridge, Eng. 1930); Smith, W., "The Struggle over the Laws of Canada 1763–83" in *Canadian Historical Review*, vol. i (1920) 166–86; Soward, F. H., "The Struggle over the Laws of Canada, 1783–91" in *Canadian Historical Review*, vol. v (1924) 314–35.

CARLI, GIAN RINALDO, CONTE (1720–95),

Italian economist, poet and scholar. He was born in Capo d'Istria and in 1753 moved to Milan, where eighteen years later he became president of the Council of Finance. In this capacity he assisted in abolishing many abuses and carried out a complete reformation of the coinage system according to a plan he had previously proposed in his *Osservazioni preventive al piano intorno alle monete di Milano* (Milan 1766). A man of catholic interests and knowledge Carli devoted much attention to monetary questions. Included in his great *Delle monete e dell' istituzione delle zecche d'Italia* (4 vols., Venice 1754–60) is the essay *Del valore e della proporzione dei metalli monetati con i generi in Italia*, in which he compares the purchasing power of a unit of money at the time of the discovery of America with that of the same unit in 1750. By showing that the bullion content of the monetary unit had decreased Carli refuted the theory of contemporary economists that the trebling of commodity prices indicated a corresponding increase in the quantity of metal in the country. In his *Breve regionamento sopra i bilanci economici delle nazioni* (1769) he criticized vigorously the doctrine of the balance of trade. His observations on the non-commodity items which must be included in computing the balance distinguish him as a pioneer of a new conception, the balance of payments. Carli was not, however, a free trader and in his *Del libero commercio dei grani* (Milan 1771) he strongly advocated government regulation of the grain trade, pointing out that the question must always be settled on practical rather than theoretical grounds. Important among his other works was *Relazione del censimento dello stato di Milano* (1776), containing a critical history of methods of evaluating property and an analysis of the newly established Milanese county council which reveals Carli's sympathy with the division of society into social classes. Carli's interest in American politics and economics was manifested in *Delle lettere americane* (2 vols., Florence 1780; new ed. 4 vols., Milan 1786). Some of Carli's works have been republished in the Custodi collection.

ROBERTO MICHELS

Consult: Pecchio, G., *Storia della economia pubblica in Italia* (Lugano 1829) p. 111–22; Michels, R., "Die Kritik der Handelsbilanztheorie bei Gian-Rinaldo Carli" in *Weltwirtschaftliches Archiv*, vol. xxix (1929) 221–46; Luzzatto, Fabio, "Gian Rinaldo Carli e la filosofia del diritto" in *Rivista internazionale di filosofia del diritto*, vol. vii (1927) 467–501.

CARLILE, RICHARD (1790–1843),

English social reformer, free press agitator, pioneer in the birth control movement and editor of free thought periodicals. Carlile became perhaps the most daring of Francis Place's disciples in the

British birth control agitation of 1825–30. His chief work is probably the pamphlet, *Every Woman's Book; or, What is Love?* (London 1826), the first tract in the English language devoted exclusively to the medical as well as to the social and economic aspects of contraception. Although short lived it was widely distributed; its influence upon Robert Dale Owen and through him upon the founding of the American birth control movement was not inconsiderable.

Carlile's efforts in behalf of the liberation of the English press, which began in 1817 with the attempt to revive the influence of Thomas Paine, were, if not unique, enduring, and many have thought that he suffered more for this cause than any other Englishman of the nineteenth century. He was imprisoned more than nine years for publishing his republican-political and deistic-religious opinions. Persecution by the ultraconservative government, however, helped make him; he throve upon it. Bentham befriended him, even as Place counseled him. His spirit remained to the last unbroken. Chief among the dozen journals he edited are the *Republican* (1819–26) and the *Lion* (1828–29).

NORMAN E. HIMES

Consult: Holyoake, G. J., *The Life and Character of Richard Carlile* (London 1849); Campbell, Theophilia C., *The Battle of the Press* (London 1899); Wickwar, W. H., *The Struggle for the Freedom of the Press, 1819–1832* (London 1928); Himes, Norman E., "The Place of John Stuart Mill and of Robert Owen in the History of English Neo-Malthusianism" in *Quarterly Journal of Economics*, vol. xlii (1927–28) 627–40, and "John Stuart Mill's Attitude Toward Neo-Malthusianism" in *Economic Journal*, Economic History Supplement, no. 4 (1929) 457–84; and notes by N. E. Himes in his edition of Francis Place's *Illustrations and Proofs of the Principle of Population* (London 1930).

CARLYLE, THOMAS (1795–1881), Scottish historian and critic of society. Carlyle was not in the scientific sense a political theorist or a sociologist. His chief gift, a capacity for moral indignation, is perhaps not the best that can be given to the thinker. In fact, he pretty completely denied the value of the instrument of thought in social questions, affirming instead the force of personality. On the other hand he was more than a preacher and a moralist. Most of his writing was an attempt to shake his fellows out of their unawareness, or their acceptance, of misery. Because he loathed the disorder and suffering which accompanied the industrial revolution Carlyle was accepted, in part, by the new generation of liberals, such as John Morley, that grew up in the second half of the century. He influenced Ruskin and the two combined to influence intellectuals of both political extremes, a Shaw and a George Wyndham, for example.

Carlyle as historian was vivid, usually accurate, preeminently dramatic and biographical in his method. *Oliver Cromwell's Letters and Speeches* (4 vols., 1845) effected a rehabilitation of the Protector in the eyes of his countrymen. *The History of Frederick the Great* (6 vols., 1858–65) is detailed, accurate, documented, very prejudiced in favor of Frederick, almost silent on his civil achievements, extremely good on military history. But the *French Revolution* (1837) is a classic. It is a grand metaphysical drama which works itself out in a hundred exciting episodes. Moreover, it is historically accurate in detail, as Carlyle made critical use of the sources available at the time. Yet no modern historian will accept it as an adequate account for it wholly neglects economic and social history, simplifies the issues involved and is based on a metaphysics no longer in fashion. It has had an enormous influence on lay readers in English speaking countries and is largely responsible for the commonly held view of the French Revolution as a violent uprising of an oppressed people, a cataclysmic social revolution quite unlike anything else in European history.

Carlyle's enthusiasm for Germany did much to spread the Teutonism so popular in Victorian England, just as his sympathy for the romantic philosophy of the Germans was a vital influence in his own thinking. In his eyes the Teutonic races are virtuous, protestant and inspired by a moral intuition above mere reason (*Life of Friedrich Schiller*, 1825; many translations from the German; essays and pamphlets on German culture). The Latin races are corrupt, worldly, selfish and addicted to barren logic. To follow them is to fall into utilitarianism, orthodox economics and the industrial revolution. Modern England is overemphasizing the importance of the common man, denying the superrational value of custom and tradition, and approaching democracy. This process had already brought widespread suffering to the poor and a cramped spiritual life to the rich (*Chartism*, 1839; *Past and Present*, 1843).

The solution of these difficulties Carlyle felt to be a reversion to the rule of the best, to benevolent despotism. The common man, left to himself, is ignorant and weak. He must at times be kept in his place by force. Carlyle ends by identifying the forces of might and right (*Latter-Day Pamphlets*, 1850; *Shooting Niagara*, 1867) or, according to his enemies, by accepting the doctrine that might makes right.

CRANE BRINTON

Works: *Works*, 30 vols. (Centenary ed. London 1896–99).

Consult: Morley, John, *Critical Miscellanies, first series* (new ed. London 1878) p. 157–202; Cazamian, Louis, *Carlyle* (Paris 1913); Roe, F. W., *The Social Philosophy of Carlyle and Ruskin* (New York 1921); MacCunn, John, *Six Radical Thinkers* (London 1907) p. 141–82; Schulze-Gaevernitz, Gerhart von, *Zum socialen Frieden*, 2 vols. (Leipsic 1890) vol. i, bk. i; Bodelsen, C. A., *Studies in Mid-Victorian Imperialism* (Copenhagen 1924) p. 22–32; Gooch, G. P., *History and Historians in the Nineteenth Century* (London 1913) p. 323–32; Vaughan, C. E., "Carlyle and his German Masters" in *Essays and Studies*, by members of the English Association (Oxford 1910) p. 168–96.

CARMIGNANI, GIOVANNI (1768–1847), Italian penologist. In 1791 he received the degree of doctor of legal science from the University of Pisa and after a few years of literary activity inspired largely by Alfieri took up the practise of law. He established a reputation as jurist by the publication of *Saggio sulla teoria delle leggi civili* (Florence 1794) and *Saggio di giurisprudenza criminale* (Florence 1795) and was appointed professor of penal law at Pisa in 1801. This chair he occupied until 1840, when he became professor of legal philosophy at the same institution.

Together with his disciple Francesco Carrara, Carmignani gave to the traditional penological theories of the so-called classical school initiated by Beccaria the final form in which they were to be attacked by Lombroso. The justification of criminal law could be deduced immediately from primordial natural law, according to which every individual is endowed with the right of self-defense. The state assumes the guardianship of these rights and becomes the executor of natural law. In imposing penalities for crime its purpose is not revenge but the prevention of future aggressions against its members. The essential problem of the penologist, therefore, is to determine the exact nature and degree of punishment or rather of "moral coercion" necessary to deter one individual from violating the rights of another. These ideas Carmignani developed in his two principal works, *Elementi del dirritto criminale* (Florence 1808; ed. by Caruana Dingli, 2 vols., Malta 1847–48; and by Filippo Ambrosoli, 2nd ed. Milan 1882) and *Teoria delle leggi della sicurezza sociale* (4 vols., Pisa 1831–32). Although in his early years he favored capital punishment he later became a zealous advocate of its abolition; his mature views on the subject were set forth in *Una lezione academica sulla pena di morte* (Pisa 1836).

VINCENZO MANZINI

Consult: Biographical sketch by Caruana Dingli in his edition of the *Elementi*; Carrara, Francesco, *Ambrosoli e Carmignani* (Lucca 1866).

CARNEGIE, ANDREW (1835–1919), American industrialist and philanthropist. Born in Scotland, he came to the United States with his parents in 1848. His duties as private secretary to Thomas A. Scott of the Pennsylvania Railroad permitted him to make personal and business contacts which served him well both at the time and later when he ventured into the iron industry. After his retirement from the railroad in 1865 he combined enterprises in railroad financing and oil with his growing interests in the iron industry. The Pennsylvania Railroad was for a time one of the best customers of his bridge construction company and a party to rebating arrangements with him. By the early seventies he had devoted himself exclusively to the successive partnerships which eventually became the Carnegie Steel Company, dominant in its field. In 1901 he sold the company to the United States Steel Corporation for $447,000,000.

Carnegie was never a practical "ironmaster." His objections delayed for several years the entrance of his concern into the steel industry. Once convinced of the value of a process, however, he backed it to the full and did not hesitate to scrap existing equipment. He ran his plants to capacity and made extensions and improvements during depressions in order to be prepared for prosperity. A rugged individualist, believing in unlimited competition and the survival of the fittest, he frowned upon combination or amalgamation proposals which involved absorbing plants without regard to their industrial value. He attributed his success to his talent for organization and to his ability to hire men "cleverer than himself" and to hold their loyalty by giving them wide scope for activity and liberal rewards. To his workers he paid only the market price. He had no sympathy with labor organizations, and gave at least passive acquiescence to the militant anti-union policy which characterized his industry.

Carnegie retired with over a quarter of a billion dollars, and set about putting into practise his conception of the obligation of wealth. He believed that all men of wealth, after having provided a competence for their families, should consider their surplus wealth as a trust fund to be administered in the interest of humanity. Accordingly he gave away a total of $288,000,000 within the United States and $62,000,000 in Great Britain. His contributions to libraries and educational agencies reflect his own early efforts to obtain an education; and his donations to further world peace continued an interest evidenced earlier in life.

PAUL WEBBINK

Important works: *Triumphant Democracy* (New York 1886, rev. ed. 1893); *The Gospel of Wealth and Other Timely Essays* (New York 1900); *The Empire of Business* (New York 1902); *Problems of Today* (New York 1908). See also his *Autobiography*, ed. by J. C. Van Dyke (Boston 1920).

Consult: Alderson, Bernard, *Andrew Carnegie: the Man and his Work* (New York 1902); Myers, Gustavus, "Das Carnegie-Vermögen" in *Neue Rundschau*, vol. xxv (1914) pt. i, 664–93, 821–39; Moody, John, *The Masters of Capital*, Chronicles of America series, vol. xli (New Haven 1919) chs. iii, v; Grattan, C. H., "Saint Andy" in *American Mercury*, vol. xiv (1928) 364–69.

CARNIVALS. *See* FAIRS; FESTIVALS.

CARNOT, LAZARE NICOLAS MARGUERITE (1753–1823), French statesman and military engineer. Carnot, the son of a notary, was born at Nolay. He was a member of the Legislative Assembly (1791–92) and of the Convention (1792–93), and was named to the Committee of Public Safety on August 14, 1793. While his colleagues regulated munitions, food and propaganda Carnot organized the army. The *levée en masse* drafted by Carnot and Barère and enacted on August 23, 1793, was the first attempt in modern history to mobilize all the available man power and resources of a nation for war. By means of so-called deputies on mission to the army, summary demotions, frequent executions of commanders and rapid promotions of young officers Carnot created an intensely national and republican force under a centralized command. He was the most active member of the committee, responsible for most of the terrorist measures that suppressed insurrection and converted retreat on four fronts into victorious advance. When success was assured and reaction against the committee set in Carnot was saved from trial as a terrorist only by the cry that he was the organizer of victory. As one of the five members of the Directorate (1795–97) Carnot again managed military affairs and was partly responsible for appointing Bonaparte to command in Italy. After an interval of exile he became minister of war (1800) and member of the Tribunate (1802–07). In 1814 he commanded at Antwerp, surrendering only after Napoleon's abdication. Having served as minister of the interior during the Hundred Days he was exiled by the Bourbons and died at Magdeburg.

LOUIS R. GOTTSCHALK

Consult: Carnot, Hippolyte, *Mémoires sur Lazare Carnot, 1753–1823, par son fils*, 2 vols. (new ed. Paris 1907); Hennet, Léon, *Lazare Carnot* (Paris 1888); Mathiot, Charles, *Pour vaincre Lazare Carnot* (Paris 1917).

CARPENTER, MARY (1807–77), English social reformer. At the age of twenty-six she was profoundly influenced by two visitors in her parental home—Rammohun Roy, a great Indian who gave her a lifelong interest in his country, and Dr. Joseph Tuckerman, who was distinguished for philanthropic work in Boston. Her attention was directed to the needs of the poor and in 1835 she formed in Bristol the Working and Visiting Society, whose activities were in many respects similar to case work. In 1846 she founded a "ragged school" in Bristol, but she soon became convinced of the inadequacy of such schools to meet the needs of the young criminal class. Accordingly she suggested the need of reformatory schools for children who had become habitual thieves and beggars, at the same time urging state aid for ragged schools. She recommended free day schools, "industrial feeding schools" with compulsory attendance and correctional and reformatory schools to take the children out of the prisons. In 1852 she founded Kingswood School and in 1854 Red Lodge (both near Bristol) for juvenile offenders. She was also influential in securing the passage in Parliament of the Youthful Offenders Act of 1854, legalizing reformatory schools, and the Industrial Schools Act of 1857.

Her interest in the education of the women of India led her to visit that country in 1866 and again in 1868, 1869 and 1875. In 1870 she founded in Bristol the National Indian Association to promote a better understanding between the Indians and the English. Before her death many of her plans for social reform in India were put into practise. Her projects for prison reform received further impetus from her attendance at a congress in Darmstadt in 1872 and from a visit to the United States and Canada in 1873.

Mary Carpenter's work was done in a period of great destitution, vagrancy and criminality. Her achievements in educational and penal reform were the more remarkable in view of the contemporary lassitude toward social abuses. She was a woman with a vigorous and constructive mind and possessed administrative and organizing capacity unusual at a time when the sphere of women was conventionally narrow and limited.

EDITH ABBOTT

Important works: *Reformatory Schools for the Children of the Perishing and Dangerous Classes, and for Juvenile Offenders* (London 1851); *Juvenile Delinquents, Their Condition and Treatment* (London 1853); *Our Convicts, How They Are Made and Should be Treated*, 2 vols. (London 1864); *Six Months in India*, 2 vols. (London 1868); *Letters . . . on Female Education in India, Prison Discipline and the Necessity for a Factory Act in India* (Bristol 1877); and numerous pamphlets, papers and open letters to newspapers on juvenile delinquency and education.

Consult: Carpenter, J. E., *The Life and Work of Mary Carpenter* (2nd ed. London 1881); Tabor, Margaret E., *Pioneer Women, Second Series* (London 1927) ch. ii.

CARPETBAGGERS. *See* RECONSTRUCTION.

CARPZOV, BENEDIKT (1595–1666), German jurist. He was the most noted member of a learned family which included nine jurists and five theologians. For forty years Carpzov was a member of the Leipsic Schöffenstuhl, whose decisions at that time made it the most highly regarded court in Germany. It combined the faithful observance of the customary law of Saxony with a vigorous development of the received Roman law and independent quasi-legislative pronouncements. Carpzov integrated all these elements so thoroughly and clearly that his works may be said to be the culmination of the centuries of the reception and to lay the foundation for the jurisprudence of the next century. His authority is comparable to that of Bartolus.

Carpzov's work lay chiefly in criminal law and criminal procedure, and he is regarded as the father of German criminalists. His *Practica nova imperialis saxonica rerum criminalium* (3 vols., Wittenberg 1635; reprinted Basel 1751 and Frankfort 1758) was the first systematic treatment of German criminal law and enjoyed virtually the authority of law. He drew not only on Roman and canonical doctrine but also on the Sachsenspiegel, on the Saxon constitutions and on the *Constitutio criminalis carolina*, which first attained through him its full recognition in Germany. Because of the 20,000 death sentences which he is said to have pronounced Carpzov is regarded as the exponent of a cruel criminal law. Such a reputation is unjust. It must be remembered that Carpzov lived in the stormy period of the Thirty Years' War, and that although he believed that punishment should inspire fear and looked upon the Mosaic law as *jus divinum* he nevertheless set himself against arbitrariness, inhumanity and injustice.

His work *Jurisprudentia forensis romano-saxonica* (Frankfort 1638, reprinted Leipsic 1721) borrowed from his own practise and the books of the Leipsic court. He expounded civil procedure, with its admixture of German and Roman elements, in the *Processus juris in foro saxonico* (Jena 1657, 3rd ed. 1667; reprinted Leipsic 1708). When Carpzov became professor at the University of Leipsic he had to lecture also on canonical law, and it was during this period that he wrote his epoch making work, *Jurisprudentia ecclesiastica* (Leipsic 1649, reprinted Leipsic 1721), in which he may be said to have founded the Protestant ecclesiastical law. Carpzov also produced works on feudal and constitutional law as well as a political polemic against Innocent X, *Vindiciae pacificationis Osnabrugensis*, which appeared in 1653, probably in London, under the pseudonym Ludovicus de Montesperato.

EBERHARD VON KÜNSSBERG

Consult: Jugler, J. F., *Beiträge zur juristischen Biographie*, 3 vols. (Leipsic 1773–80) vol. I, p. 280–303; Muther, Th., in *Allgemeine deutsche Biographie*, vol. IV (1876) p. 11–20; Stintzing, R., and Landsberg, E., *Geschichte der deutschen Rechtswissenschaft*, 3 vols. (Munich 1880–1910) vol. II, p. 55–100; Schulte, J. F. von, *Die Geschichte der Quellen und Literatur des canonischen Rechts*, 3 vols. (Stuttgart 1875–80) vol. III, p. 39–42; Du Boys, Albert, *Histoire du droit criminel de la France, depuis le XVIe jusqu'au XIXe siècle, comparé avec celui de l'Italie, de l'Allemagne et de l'Angleterre*, 2 vols. (Paris 1874) vol. I, p. 382–94.

CARRANZA, ALONSO (dates of birth and death unknown), Spanish economist and jurist of the early seventeenth century. He wrote *El ajustamiento i proporción de las monedas de oro, plata i cobre* (Madrid 1629), his chief work, to defend and popularize Tomás de Cardona's nostrum for monetary reform. Accepting the mercantilist premise that treasure, peculiarly desirable wealth, can be attracted or retained by inflation, Carranza advocated a twenty-five percent debasement of gold and silver money in order to prevent the export of specie, stimulate the languishing production of precious metals in Spain and the Indies, decrease frauds in the royal quint and prevent smuggling of treasure on the galleons. This scheme, considered by government commissions over a period of more than thirty years, may have influenced the twenty-five percent inflation of gold and silver in 1642. Repeated divagations into theology and sacred history rendered Carranza's literary style unattractive, but his extended residence in Seville and intimate contact with Tomás de Cardona, sometime silver master on treasure fleets, enabled him to describe empirically the mechanism through which Mexican and Peruvian specie reached Europe and entered circulation. *De partu naturali et legitimo* (Madrid 1628), a study of the rights of natural and legitimate children, which is Carranza's best known treatise on law and which passed through numerous editions in Spain and abroad, exemplifies the influence of Roman law on Spanish jurisprudence in the seventeenth century.

Earl J. Hamilton

Consult: Antonio, Nicolás, *Bibliotheca hispana nova*, 2 vols. (2nd ed. Madrid 1783–88) vol. i, p. 14–15; Cantos Benitez, Pedro de, *Escrutinio de maravedises* (Madrid 1763) p. cxxii; Colmeiro, Manuel, *Biblioteca de los economistas españoles* (new ed. Madrid 1880) p. 67–68; *Biographie universelle ancienne et moderne*, ed. by J. F. Michaud (2nd ed. Paris 1880) vol. vi, p. 653.

CARRANZA, VENUSTIANO (1859–1920), Mexican statesman. Carranza was born in Cuatro Cienegas, Coahuila, Mexico. After serving some years as senator, in which office he was a member of the group always readily responsive to the will of Porfirio Díaz, the dictator, Carranza was elected governor of his state in 1910. When he was unseated he joined the rebellion of Francisco I. Madero against Díaz. In 1911 he became secretary of war in Madero's cabinet but relinquished this office to finish out his term as governor. When Victoriano Huerta, Madero's new war minister, seized power Carranza, backed by the Coahuila legislature, announced on February 19, 1913, the dissidence of his state. He launched the Plan de Guadalupe, rejecting Huerta, and became the first chief of the constitutionalist army, charged with executive power. After Huerta was overthrown Francisco (Pancho) Villa, heading the "Conventionalists," and Emiliano Zapata disavowed Carranza and the Constitutionalists, precipitating civil war anew. Carranza, driven out of Mexico City, set up his provisional government in Vera Cruz. These unsettled conditions aroused the concern of President Wilson and resulted in several pan-American conferences, out of which came the recognition of Carranza as de facto president on October 19, 1915, by nine American countries, including the United States. He was elected president on March 11, 1917, and served until May, 1920, when he was driven from the capital by the "revindicating revolution" of Alvaro Obregón and assassinated in the Indian town of Tlaxcalantongo, Puebla, supposedly by rebel troops under General Herrero, an ex-bandit.

From 1915 to 1920 two outstanding concerns dominated Carranza's policy: the necessity of establishing constitutional order and peace; and the problem of relations with the United States, which were complicated by petroleum interests and resulted in the Tampico incident and the consequent American occupation of Vera Cruz as well as in the Villa Columbus raid and the Pershing Punitive Expedition. In 1916 he called a constitutional convention in Querétaro which, on February 5, 1917, promulgated a new constitution for Mexico. The new document followed the framework of the 1857 constitution of Benito Juárez, retaining the threefold division of powers and a legislative system similar to that of the United States. It represented a further thrust at the power of the Roman Catholic church, and aimed at conservation of national resources, regulation of foreign capital, renovation of the judiciary and radical safeguarding of the rights of workers and peasants. Because of Article 27 nationalizing the subsoil it aroused the opposition of American oil companies and provoked danger of American intervention. Antagonism was also aroused between the two countries by Carranza's pro-German neutrality during the World War, by his frequent denunciations of the Monroe Doctrine and by his promulgation of a new doctrine of Latin American solidarity against the United States.

In spite of the corrupt military clique in his government Carranza merits credit for having determined in a coherent manner the outlines, purposes and powers of the revolutionary movement which began with Madero and culminated in Calles. He shaped the constitutional and legal framework on which present day Mexico rests.

Carleton Beals

Consult: Priestley, H. I., *The Mexican Nation, A*

History (New York 1923) p. 411–55; Beals, C., *Mexico: An Interpretation* (New York 1923); Gruening, E., *Mexico and its Heritage* (New York 1928).

CARRARA, FRANCESCO (1805–88), Italian penologist. In 1859, after a life dedicated to scholarship and the practise of law, he was appointed professor of penal law in the University of Pisa. Carrara took no part in the movement for the unification of Italy, although after its realization he served as deputy in parliament through two sessions and in 1876 was nominated senator. He was active in the preparation of the project for a unified penal code, which became law in 1889.

In penology Carrara holds an important place in the series of distinguished Italian legal philosophers—Beccaria, Pagano, Romagnosi, Filangieri, Pellegrino Rossi and Carmignani—who through two centuries reconstructed the science of penal law and induced the government to abolish all vestiges of barbarous punishments. He was a disciple of Carmignani but developed the ideas of his master in a direction that excluded all foreign influence. According to Carrara penal law is derived from primordial natural law. It is immutable, being the will of God. Man is endowed with the right of self-defense. If he violates the rights of others, he exposes himself to punishment by the state as guardian of individual rights. State action in defense of individual rights should operate principally through moral coercion, that is, through the threat of punishment, and only as a last resort through the actual infliction of punishment. Carrara was a convinced but philosophical advocate of the abolition of capital punishment. It is in part due to the influence of Carrara that the ideas of Lombroso, as developed by Ferri, never made serious headway in Italy.

VINCENZO MANZINI

Works: *Programma del corso di diritto criminale. Parte generale* (Lucca 1860; 10th ed. 2 vols., Florence 1907), *Parte speciale*, 7 vols. (Lucca 1864–70, 8th ed. Florence 1906–07); *Opuscoli di diritto criminale*, 2 vols. (Lucca 1859–67; 2nd ed. 7 vols., Lucca 1870–77); *Reminiscenze di cattedra e di foro* (Lucca 1883, 2nd ed. Florence 1905); *Lineamenti di pratica legislativa penale* (Turin 1874, 2nd ed. 1882). For a bibliography of Carrara's works and works about him see Finzi, Vittorio, "Bibliografia carrariana" in *La bibliofilia*, vol. xix (1917–18) 39–50, 170–85 and 239–53.

CARTEL. The term cartel designates an association based upon a contractual agreement between enterprises in the same field of business which, while retaining their legal independence, associate themselves with a view to exerting a monopolistic influence on the market. The only part of this definition to which anyone may take exception is the assumption that the tendency of the cartel is monopolistic. Any such exception rests, however, on political not on scientific grounds. Unquestionably the treatment of the cartel in any system of economic theory must be connected directly with the treatment of monopoly (*q.v.*).

Monopoly as relevant to the discussion of cartels is a condition in which a majority of the buyers have to deal with an organized group of sellers. Many prefer to describe the activity of the cartel as a regulation of the market rather than as the exertion of monopolistic influence. But this is merely a vague rendering of the same idea. As a rule a cartel comes into existence only when the greater number of the undertakings which were formerly competing become associated in it. Cartels are collective monopolies of entrepreneurs in their capacity as sellers. Monopolistic organizations of consumers, such as organizations for collective buying, should not be designated as cartels, because their effects are quite different from those of associations of sellers. For the same reason employers' associations, in which the members combine as against the organizations of employees, should be distinguished from cartels.

The cartel must not be confused with the corner or the ring. A corner involves the buying up of a commodity in the market with a view to forcing up the price. It is monopolistic in its operation and may be launched by a single individual. A ring is the association of several individuals for the purpose of carrying out a corner. The difference between the ring and the cartel consists in the fact that the former is not an organization made up of the majority of those engaged in a certain industry or trade, but an association of persons, frequently standing outside of the industry or trade, who through speculative buying may create an artificial shortage and thus profit from selling at the resulting higher prices. A ring is a speculative association, not a union of independent enterprises.

In the sense in which it is used here the term cartel, which is derived from *charta*, a contract, first became current in the late seventies in Germany. It has been established, however, that similar organizations existed in England as early as the end of the eighteenth century, in the coal industry, and also in Germany and France during the first part of the nineteenth century. In the Middle Ages there existed in various industries not controlled by the guilds and also in certain branches of trade monopolistic organizations which did not differ in form from the cartel.

In general, only associations of the larger independent enterprises are designated as cartels. But agreements in the field of small scale industry and retail trade are of essentially the same character, and a monopolistic tendency characterizes the trade unions as well as some organizations of the so-called liberal professions. The concept, "cartel," refers not so much to a particular form of organization as to a definite group of economic persons who operate with a large capital. The risks to capital play a major part in the development of cartels.

The cartel is not, however, a form of capital organization. It is, to be sure, a manifestation of the modern movement toward concentration but not of consolidation of capital. In this respect it differs from trusts (*q.v.*). Cartels are not business undertakings in themselves even when they are closely organized for collective selling through a special agency. In this form of organization the cartels present the character of a sales cooperative with a monopolistic purpose, but apart from this they are no more than contractual associations, which need not assume any external form whatever. For this reason the legal character of the cartel agreement may vary widely. The cartel differs from the ordinary trade associations (*q.v.*) by the fact that its members are obligated to a particular action or omission, with a view to the common purpose of regulating the entire industry. (In German this difference is expressed by the word *Verbände* as contrasted with *Vereine*.) The two forms of association frequently overlap; both may be formed within the same membership, and particularly in Germany those trade associations whose original purpose was the general advancement of their trade often furnished the basis for the organization of cartels.

Cartels may be divided into three basic types according to the methods by which they exert their influence upon the market. There are cartels whose direct object is price fixing, cartels which aim at limitation of production or supply, cartels which operate through division of territory. Those of the first type, which may be called price cartels, fix by agreement either definite uniform prices or minimum prices, thus eliminating price cutting. In cartels of the second type, which may be called production cartels, restriction of output is jointly agreed upon in order to place supply in a favorable relation to demand. Production cartels are organized especially in time of business recession, when prices are depressed by overproduction. They are often a preliminary step toward the organization of price cartels, because price agreements, particularly agreements for increase in prices, are usually possible only when preceded by restriction of output. It is sometimes agreed that the several parties composing the production cartel shall close down their plant for a definite period or operate it at a fraction of its full capacity. In recent times, following the precedent of the American trusts, cartels sometimes dismantle the plants of the members who operate at the greatest disadvantage and compensate the owners through contributions from the remaining members. Sometimes an establishment is bought by a cartel for the purpose of dismantling it. The cartels operating through division of territory assign definite markets exclusively to certain of their members. This would make a complete monopoly possible if every member could be assigned a definite territory. As a rule the cartel assigns territory to groups of its members, not to individual members. There are a number of territorial cartel agreements with enterprises in foreign countries for the delimitation of markets and spheres of interest. The international shipping cartels bear this character in part, but they are in the main price cartels.

These three types of cartels are to be found in a higher stage of development in the so-called *Kontingentierung* or quota cartels. In these the total supply of a commodity may be fixed and each member allotted a definite production quota. More frequently all orders are referred to one selling agency, called a syndicate, which distributes them among the members of the cartel by percentages fixed in advance. Or, finally, the profits may be pooled and divided among the membership in definite proportions. In this case a common understanding regarding prices is not necessary because it is not to the interest of any member to extend its sales at the expense of other members, since it receives only a predetermined share of the aggregate profits. The last two types of cartels are sometimes merged. The selling syndicate takes the product of the members, sells it and distributes the profits as agreed on in advance. In general it may be said that these profit sharing cartels are a later development and do not appear in all industries, as, for example, in many of the branches of the textile industry. They do, however, play an important role in the iron industry. In addition to these specific cartels there is still another form of industrial organization which is closely related to them but which in itself does not aim at a monopolistic status for its members: associations for dealing with terms of payment, discounts, cost of packing and the like. Such items, if not determined by common understanding, might easily make price agreements illusory. Associations of this nature have been of great importance, especially in the textile industry, in connection with price and production cartels. Apart from their relation to the cartels these associations are very useful to their membership and are very numerous both in trade and in industry.

Germany is considered the classic land of the cartel; it is in Germany that the movement has attained its greatest development. This may be explained partly by the fact that the German law is more favorable to cartels than that of other countries, especially England and America, and partly by the fact that business in Germany had not grown away from governmental control and organization to any such extent as in the western countries. Moreover, there has long been in Germany a strong tendency toward mutual organization. Capitalistic development was by no means so rapid as in America nor had corporate undertakings come to play so prominent a part in the national economic life. The majority of German enterprises is still in the hands of individual owners and the establishment of modest size the prevailing type. The political and social contrasts between the several states of Germany are still very marked, and the German Empire is too large and too varied in its economic development to admit of the development in most industries of nation wide unified enterprises like the trusts. For this reason large undertakings have developed only in special industries. In spite of the fact that financial concentration has made marked progress the importance of the cartel has in no way been diminished.

There are some industries in which conditions are unfavorable to the development of cartels. This is true of agriculture, where cartels play a minor role. In this industry the economic units are too numerous, the variety of products too great, differences in qualities of products too marked, changes in the quantity and quality of the harvests too pronounced, to admit of a collective control of production or prices. Industries in which qualitative differences, unique models and patterns play a large role, and in which the reputation of the individual firm is an important factor, as well as industries which cater to demand created in large part by fashion, are not well adapted to the operations of the cartel. On the other hand, industries in which differences in quality are unimportant and mass production prevails, such as the pig iron industry and certain other branches of the metal industry, the stone and clay, chemical and paper industries, figure prominently in the history of successful cartels.

The first epoch of cartel formation opened with the great crisis at the beginning of the seventies. The early cartels were justly described as the children of need but it was soon recognized that these associations might prove beneficial to their members in prosperous times as well, since they offered a means for exploiting favorable opportunities to the full. Good times have since been quite as conducive to the formation of cartels as times of depression.

The protective tariff played an extremely important part in the development of the cartel, through restricting foreign competition in certain industries. But a protective tariff is not a prerequisite to the development of cartels. International cartels are possible independently of the tariff system.

After the World War and during the period of inflation the importance of cartels in Germany declined for a time because of the necessity for financial union through mergers and concerns. But this tendency toward union rarely attained the point of monopolistic fusion or trust. The I. G. Farbenindustrie might be looked upon as an exception. Usually an industry remained under the divided control of a number of important concerns which continued to regulate their interrelations through cartels; this was true even in the iron industry. A similar situation appeared in other countries.

In general, cartels are not very permanent organizations. Often they overreach themselves in raising prices and thus give an impetus to new competition. In consequence they are undersold and may be forced to dissolve. When overproduction becomes serious and prices fall sharply, some of the entrepreneurs give up the attempt to continue production at a loss, while others form a new association designed to improve their condition through agreements controlling production and price.

In the last two decades before the war there was in many branches of business a distinct tendency toward firmly organized cartels of greater permanence. Certain of these cartels, often called syndicates, found it more desirable to maintain prices that were fairly stable compared with the fluctuations formerly prevailing. In periods of depression they lowered prices only slightly and kept them from rising too rapidly in flush times. This stabilization of prices represents the most favorable influence of the cartels upon the general economic position.

As a result of their experience with cartels business men have come to recognize more and more clearly that it is more advantageous for them to keep prices as stable as possible than to exploit their monopolistic position to the limit. There will of course always be an element within a cartel which has no sense of moderation and insists on the highest possible prices. But the policy of fixing extortionate prices is inimical to the industry as well as to society at large. In times of marked fluctuation of prices such considerations may lose their force and there is a danger that the cartel organization may be used to obtain the highest possible profits for the members. The remedy for this evil lies in appropriate legislation. It must be borne in mind that it is not only the large scale industries which can make use of the cartel as an instrument for securing monopoly profits. Associations of small local businesses and sometimes even of agriculturists may form price agreements that are quite as injurious to the ultimate consumer.

The cartels call for certain sacrifices on the part of their members—above all, restrictions upon their independence of action. The members are bound by their agreements, which at times involve extensive interference in their private management; they must submit to measures of control which frequently affect the most intimate relations of the business; and in the case of the firmly organized cartel the members often have to transfer a considerable part of their business activity, particularly the business of selling, to the syndicate.

It is frequently the largest enterprises which out of a sense of self-sufficiency do not wish to join the cartels. When the stronger businesses in an industry remain aloof the cartel can have no stability. On the other hand, it is sometimes these very groups that take the initiative in cartel formation, while the numerous smaller businesses, some of which may represent special interests, are brought into line with much difficulty.

On the whole, the cartels are conservative and operate to protect their weaker members. As competition increases in intensity, capitalistic concentration and the elimination of the smaller enterprises would, as the socialistic formula assumes, proceed more rapidly if the cartels did not exert their conservative influence.

Yet it cannot be said that the cartels have checked economic progress or that they have served merely to secure for existing businesses as high profits as possible. The charge that they have hindered technical progress is not borne out by experience. It remains to the interest of every member of a cartel to introduce technical improvements and to reduce costs. The cartels have sometimes given an impetus to technical progress through making available to their entire membership inventions that would otherwise have been monopolized by a single business. Particularly in countries, such as postwar Germany, that suffer from a shortage of capital the too rapid application of technical improvements involving increased investment is not desirable. That cartels are not an obstacle to progress toward new and higher types of organization, but merely reduce the hardships of the transition period, is proved by the fact that there has been a marked tendency under the influence of the cartel toward the formation of more integrated types of organization such as combines and consolidations.

The cartels are not directed against labor. For dealing with labor the members of the cartels avail themselves of the services of the employers' associations. The cartel is often beneficial to labor because it helps the employers to meet demands for higher wages by raising prices and thus shifting the cost to the consumer. Thus it is conceivable that where cartels exist the struggle between employers and employees may diminish in intensity.

The chief menace to economic society from the cartels lies in the possibility of their making full use of the monopoly position they seek to establish. If their customers, either in industries which take their products for further manufacture, or in trade, are themselves organized in cartels it is possible to pass on to the ultimate consumer the pressure accumulated all the way from the producer of raw material. Since it is the ultimate consumers who find the greatest difficulty in organizing, they run the greatest risk of becoming the victims of the process. The most effective means for meeting this situation is the purchasing association, which in the future will no doubt play an important part in connection with this problem. These associations may be organized by producers who take the products of cartels for further manufacture or by the ultimate consumers under the form of cooperatives. The organization of such associations should be encouraged. Further direct state intervention in the matter of prices is also necessary under certain conditions.

The activities of the cartel are not, however, an unmixed evil from the customer's point of view. It is to the great advantage of all customers that through cartel price regulation they are placed on an equal footing. No one can secure raw materials or finished products at a lower price than his competitors. In so far as the cartels succeed in bringing about greater stability in prices the customer finds it simpler to make his calculations and his business position is consequently more secure.

The effects of cartels upon the several types of customers vary widely. The middleman or trader has probably been most affected by the cartels that control production. Among the most striking effects of the organization of cartels are the changes that have been wrought in the structure of trade. In general the cartels that are firmly organized as syndicates have exhibited the greatest capacity for reducing trade to a condition of dependence; in some cases they have even partially eliminated the wholesaler. In other cases they have confined direct sales to a small body of wholesalers, reducing the others to a position of dependence upon this small body.

Until the war the effect of the organization of producers' cartels was, on the whole, to weaken the position of trade. Before the cartels appeared trade had often pitted the isolated producer against his competitors; it had often derived greater advantage from rising prices in time of prosperity but it also carried some of the producers' risk in time of depression. Since the war the balance of power between the producers' cartels and trade has shifted more and more to the side of trade. The most mobile elements in economic life, trade and speculation, are the chief gainers from marked price fluctuation. The profits realized in post-war trade enabled the large wholesale trading enterprises to penetrate deeply into the field of production. There are great industrial concerns which have grown out of the activities of mercantile firms.

The successful operation of cartels in industry has given a great impetus to the formation of cartels in trade. They were first organized with the purpose of passing on to others the pressure imposed upon them by the industrial cartels. Traders have also organized purchasing associations in order to meet the pressure of the cartels, and not infrequently groups of traders or of producers of finished products have set up industrial establishments to supply themselves with the goods they require, thus making themselves independent of the cartels.

It is a characteristic of modern economic life that those engaged in the various fields of economic endeavor no longer face one another as isolated individuals but as members of organized groups of many types and forms. While it is true that this may sharpen economic conflicts it also makes it more possible to establish understandings between different groups. There can be no doubt that the further development of the existing economic system is closely bound up with the tendencies manifested in these multiform organizations.

Most cartels have a natural territory in which, up to certain price limits, they are protected against outside competition by their advantage in transportation costs. Outside of this territory, where they have to meet the competition of other producers, they have to sell at lower prices. In the case of nation wide cartels the internal market is often secure against competition within a certain price level determined by the rate of protective duties. Outside of the protected national market the lower prices of the world market prevail.

Cut price sales in foreign markets, or dumping (*q.v.*), have led to violent attacks on the cartels by those who take the point of view of the national consumer. It is charged that the national wealth is being wasted on the foreigner. But it is worth noting that neither are these low export prices popular in foreign countries, with whose industries they seriously compete. To the charge that dumping represents a waste of national wealth it may be replied that goods are exported at low prices only to keep the wheels of industry going and to provide employment for the workers. It is not a regular business practise; it appears as a rule only during periods of domestic depression and therefore cannot serve as a reliable basis for the building up of foreign industries using such goods as materials for further manufacture. From a national point of view much depends on the kind of goods which are dumped abroad. Serious problems are presented by the dumping of raw materials. The artificially cheap material places the foreign manufacturer in a strong competitive position and makes it difficult for the domestic manufacturer to compete in the world market.

A closer examination of the case reveals that what places the domestic manufacturer at a disadvantage in the world market is not so much the low prices fixed by the cartel on foreign sales of raw material as the high prices on domestic sales. If a cartel puts prices of raw material at a high level the manufacturer cannot sell abroad in competition with manufacturers enjoying cheaper material, even if the cartel does not export at all. If foreign countries should engage in dumping materials, the home manufacturer might avail himself of the low prices to produce at artificially low costs and to compete in the world market.

A comprehensive policy of dumping is quite irrational. It excites retaliatory measures on the part of foreign countries, such as countervailing duties and import embargoes, and it introduces into the domestic economic life an element of great uncertainty. Cut price exports, even of raw materials and semi-manufactured goods, are usually disadvantageous to the importing country since it cannot count upon receiving them regularly at such low prices.

Dumping at cut prices is usually associated with protective tariffs because duties serve to keep the exported goods from flowing back or to keep out similar foreign goods. But it is quite possible for dumping to arise under free trade. Transportation costs alone are an obstacle to the back flow of the cut price goods. The waste involved in dumping under these conditions is measured by the cost of transportation.

The monopolistic position of the cartel offers a great incentive to the extension of production. Frequently new enterprises spring up outside of the cartel and underbid it in an effort to capture part of its custom. The cartels employ various means to combat such outside concerns. In part they endeavor to put them out of business by the methods of cut-throat competition, fixing extraordinarily low prices wherever the outside competitors appear. Occasionally attempts are made to buy out these competitors, a measure which can, of course, be applied only to a limited extent.

The principal weapons employed by the cartel to maintain its monopoly position and to suppress competition are the exclusive contract and exclusive trade relations. These contracts and agreements are directed against the outside competitor, but the obligations involved are binding only upon the businesses which supply the cartel with its materials or take its products. Agreements of the same nature may be employed to tie union labor to the cartel. The producer of raw material, the trade union or the purchaser of cartel products is bound by the agreement to do business only with the cartel. These agreements are differentiated as exclusive selling contracts and exclusive buying contracts.

Exclusive contracts are not confined to the cartels. They may also be applied by individual enterprises and by trusts. They are a very common means of protecting a preferential position in the economic struggle. Such agreements are especially effective measures for forcing the outsiders to join the cartel, just as the refusal of union laborers to work with non-union men is an effective means of forcing the latter into the union. Often the mere threat of applying the exclusive contract is sufficient to induce the outsiders to join the cartel. When the exclusive agreement is actually put into effect it may in some circumstances ruin the competitor. In spite of the inclination to pass a severe judgment upon such business practises it must be borne in mind that the outsider who is being crushed out deserves little sympathy. Like the worker who refuses to join the union he remains outside of the organization with the hope of profiting by the higher prices it establishes, while avoiding his share of the cost of maintaining the organization. If all business men pursued a similar plan the regulation of any industry by means of monopolistic associations would be impossible.

While these obligations are directed against outsiders they are binding only upon those who supply material to the cartel or take its products, as the case may be. How far are these buyers or sellers justified in binding themselves to deal only with the cartel and to refrain from dealings with outsiders? Here too it is extremely difficult to lay down a general rule. There is no such thing as a general right of the seller to sell to whomsoever he may wish, nor is there a general right of the buyer to buy where he pleases. But the plan of binding either the seller or the consumer to the cartel can also be carried too far and may lead to serious restrictions upon economic activity and freedom of enterprise. Nevertheless, it must be remembered that a great organizing force resides in contracts and agreements of this character. This force cannot be dispensed with in economic life. It is, for instance, the basis of the beneficent collective trade agreements by which employers bind themselves to engage only workers belonging to the union, who in turn agree to work only for employers who are faithful to the trade agreement.

International cartels have existed for many decades, particularly in industries in which the number of producers in the several countries is small, or among steamship companies. In consequence of the disruption of interrelated economic areas by arbitrary peace treaties and in consequence of the growing capitalistic interpenetration of the various national economies—a trend which is, however, counteracted by the growing tendency toward national isolation—the international cartels have acquired a greater importance, particularly during the last decade, and may confidently be expected to attain yet greater importance in the future. Parallel with the establishment of international cartels is the development of large international concerns with their numerous foreign branches. These concerns may in their turn unite in international cartels.

It is obvious that international cartels will vary both in aims and in methods of operation. In the case of cartels based on division of territory, which are the most common form of international cartel, every country reserves its own territory to itself. Frequently a third country or a disputed market is definitely assigned to one of the contracting parties. Cartels of this type are essentially independent of national tariff systems. The protective tariff, as we have seen, makes dumping easier; but the international cartel of the division of territory type seeks by means of control of imports and exports to eliminate dumping.

It is more difficult to organize international price agreements. Such agreements are important chiefly in relation to market areas in which the producers of the several countries compete. They are often supplementary to territorial cartels, by which the national territory and additional market areas are assigned to the producers of each country.

The formation of international cartels for the control of output is even more difficult, particularly when the object is to cut down production. It is hard to determine whether the agreement is being lived up to and it is quite impossible to enforce it. Even agreements as to the division of output are very hard to carry through. Yet this is the nature of the most important international cartel that has been organized, namely the Continental Steel Association, which was formed in September, 1926, and which aimed to regulate relations in the steel industry of western Europe. The apportioning of the steel production among Germany, France, Belgium, Luxemburg and the Saar district involves the payment to the regulating agency of a specific sum for every ton produced within the quota and the payment of a higher sum for every ton of production exceeding the quota. Up to a certain point a country has a claim to compensation for every ton by which it falls short of its quota. Various other international cartels operating in the field of steel manufactures have attached themselves to the Continental Steel Association.

The international sales syndicates have gone even farther. Either all orders or those which are intended for export are apportioned among the membership in accordance with a predetermined quota. This was the character of the great railmakers' cartel of 1904, which broke up during the war but was revived in 1926 under the name of "Erma" (European Rail Makers' Association).

International cartels have reached their highest development in two quite different types of industry: the great raw material and key industries, and the specialized industries made up of a small number of establishments which are deeply interested in the export trade. Of the latter group the most important are the great chemical industry with its innumerable special products and the electrical industry.

In industries of the first group international cartels are usually possible only when the several national industries have already been organized in cartels. In many countries cartels are hardly developed at all and this has been a serious obstacle to the formation of international organizations. Differences in legislation are also partly responsible for the fact that most international cartels are somewhat short lived and unstable enterprises.

In industries of the second group international cartels may be organized directly among individual enterprises, particularly if these are large concerns. In these industries international associations are frequently formed to regulate the terms on which patents may be used. Agreements concerning patent rights are of course not cartels per se, but ordinarily they carry provisions which affect the licensee's position in the market. Thus they may specify the territory in which the licensee may offer the product for sale or the price policy he is required to follow. Such agreements are the most essential part of the international incandescent lamp cartel, which includes in its membership the greatest producers of the whole world.

The relation of the protective tariff to the international cartel is still a moot question. In some circumstances these associations may render protective tariffs superfluous; but in the main the widespread system of protective tariffs facilitates dumping and thus evokes the formation of international cartels as a means of checking the evil. In the writer's opinion, the chief benefit from the international cartels consists in the limitation or prevention of dumping. The cartels contribute nothing, however, toward a more rational division of labor among different countries. Like the protective tariff they exert a conservative influence in helping to preserve home industries whether or not such industries can be conducted as efficiently and economically in the country in question as in other parts of the world.

The chief danger from the international cartel lies perhaps in the security it gives to the national cartel when the latter seeks to exploit its monopoly position. The only possibility of controlling the action of international cartels lies in the national legislation; to work out an international law regulating cartels is a problem for the distant future.

In England, the United States, France, Austria and many other countries cartels and similar associations are forbidden by law. The agreements on which they rest are void and the obligations undertaken by the membership are not enforcible in law. In Germany these agreements are legally valid. The law dealing with them is concerned chiefly with the prevention of abuses arising out of exclusive contracts when they threaten the ruin of either the members or the outsiders against whom they are directed.

In some countries, however, the establishment of cartels has been occasionally encouraged by the government itself through the formation of certain compulsory cartels. A compulsory cartel was formed in the German potash industry in 1910, and similar cartels were formed in many branches of industry during the World War. A compulsory cartel was organized by the Italian government in the Sicilian sulphur industry in 1906, and recently such cartels have appeared in many other Italian industries; they have also appeared in Russia, Spain and Rumania.

It is often proposed that a special administrative organ should be created, a bureau or a registry of cartels, to maintain a general supervision of their practises. This is thought necessary because these associations prefer to operate under secret arrangements. No such agency has as yet been created in any European country except Norway. It has been proposed that a particular legal form should be prescribed for all cartels but this reform has nowhere been realized. In several countries, particularly in the United States, there have been extensive public investigations of the problem of cartels and trusts. Similar investigations were conducted in Germany in 1905–06 and again in 1927, and in Austria in 1912.

Special laws on cartels have recently been enacted, particularly in Germany and Norway. By the German act for the prevention of the abuse of economic power of November, 1923, a special cartel court was established under the Reichswirtschaftsgericht, to which appeals may be taken not only by the parties to the cartel contract but also by the government. So far the provisions of the act that have proved to be of chief practical importance are those appearing in Sections 8 and 9. Section 8 provides that "every party to contracts and agreements of the kind designated in Section 1 [cartel agreements] may withdraw without previous notice for valid reason." A valid reason is, according to the act, any unfair restriction upon the economic freedom of action of the party seeking to withdraw, particularly as regards production, sale or price fixing. Section 9 provides that "without the consent of the president of the cartel court no bonds may be forfeited nor may any boycott or similar measure be applied in consequence of violation of the kind of agreements or resolutions designated in Section 1." The decisions of the cartel court as to when a valid reason for notice of immediate withdrawal exists or when a boycott is justified are based mainly on the rule of reason and it is difficult therefore to formulate uniform principles underlying them. Recently the court has freely recommended resort to arbitration in disputes arising out of the practises of the cartels.

The Norwegian cartel law of 1926 dealing with the regulation of restrictions upon competition and the abuse of price fixing envisages particularly measures of inspection. Since 1921 Norway has had a compulsory registration law for cartels, trusts and monopolies, under which 418 cartels, 51 other forms of agreements and 58 large monopolistic concerns have been registered. The law of 1926 created two agencies of regulation, the control bureau and the control council. The control bureau administers the provisions for registration, and all business men whose affairs come under its purview may be required to answer a wide range of inquiries into the character of their business operations. The control council functions essentially in the same way as the German cartel court.

The effectiveness of state regulation must not be overestimated. Some monopolistic combines, particularly those of a local character or small membership, will be able to evade control. In most cases public complaints about the practises of a cartel and proceedings before the cartel court and the control office will probably suffice to prevent abuses on the part of cartels. The state is also in a position to exert pressure upon the cartels through the application of various measures of economic policy, one of the most effective of which is the power to reduce the import duties on raw materials when a cartel raises prices excessively. Another practical measure that would have a similar effect is the reduction of railway rates to encourage the importation of goods competing with the products of the cartel. Reducing the tariff in order to control domestic monopolies is a policy that has been applied chiefly by Canada and New Zealand. On the other hand, increased duties may be employed against foreign monopolies which export at cut prices. Such "dumping duties" have been applied especially in Canada, and also in the United States. It is much more difficult to combat international cartels or concerns, which put up prices in every country. The problem of the control of international cartels has far reaching implications, which have been much discussed in connection with the question of the alleged imperialistic tendencies of the Anglo-Saxon world empire. Still, no such thing as a real world monopoly of the more important commodities exists, and the cartel is probably a form of organization too loose and unstable to be able to create such a monopoly.

Many people are inclined always to see the idea of socialization in the background of all measures for the regulation of cartels and trusts. The branches of industry in which these organizations play a large role are looked upon as "ripe for socialization." It is urged that they should be taken over by the state. Those who take this position fail as a rule to recognize that these industries, with very few exceptions, are unsuitable for public operation, whether by the state itself or by a special administrative organ operating independently of political control. So long as economic life in general remains organized on the basis of private profit—and the socialists themselves recognize more and more that the profit motive cannot be generally eliminated—it is not possible to withdraw important branches of industry from the field of private enterprise and operate them on principles for which the fundamental basis has never been established. Marx's assumption that the competitive struggle leads of necessity to a growing concentration of enterprises and to the exploitation of the masses by a few surviving great businesses, which would have to be expropriated by the state, has not proved itself valid. Indeed, the tendency of the cartel itself is to prevent the competitive struggle from going to the extreme assumed as inevitable by Marx. And even though concerns and trusts will become increasingly important in the future, the cartels, both national and international, will long retain the position of greatest significance in the world economy.

ROBERT LIEFMANN

See: COMBINATIONS, INDUSTRIAL; TRUSTS; POOLS; TRADE ASSOCIATIONS; CONSUMERS' COOPERATION; PROTECTION; DUMPING; INTERNATIONAL TRADE; MONOPOLY; COMPETITION; UNFAIR COMPETITION; MARKET; MARKETING; STANDARDIZATION; RATIONALIZATION; NATIONAL ECONOMIC PLANNING; GOVERNMENT REGULATION OF INDUSTRY.

Consult: For a general treatment of cartels: Liefmann, Robert, *Kartelle, Konzerne und Trusts*, 2 vols. (7th ed. Stuttgart 1927). The earliest monograph on the subject is Kleinwächter, F. von, *Die Kartelle: ein Beitrag zur Frage der Organisation der Volkswirtschaft* (Innsbruck 1883). Among the publications of the post-war period the more important are: De Rousiers, Paul, *Cartels and Trusts and Their Development*, League of Nations, II Economic and Financial, 1927. II. 21, C.E.C.P. 95 (Geneva 1927); Wiedenfeld, Kurt, *Cartels and Combines*, League of Nations, Economic Conference Section, C.E.C.P. 57 (Geneva 1927); Lammers, Clemens, *Review of Legislation on Cartels and Trusts*, League of Nations, II Economic and Financial, 1927. II. 33, C.E.I. 35 (Geneva 1927); Germany, Ausschuss zur Untersuchung der Erzeugungs- und Arbeitsbedingungen der deutschen Wirtschaft, Unterausschuss für allgemeine Wirtschaftsstruktur, Arbeitsgruppe 3: Wandlungen in der wirtschaftlichen Organisationsformen, *Verhandlungen und Berichte*, published irregularly in Berlin since 1928; Beckrath, H. von, *Industrielle Kartellprobleme der Gegenwart* (Berlin 1926); Tschierschky, Siegfried, *Kartellorganisation* (Berlin 1928); Cohen, Otto, *Der Kampf der Kartelle und Trusts gegen ihre Aussenseiter* (Cologne 1927); Kestner, F., *Der Organisationszwang* (2nd ed. by O. Lehnich, Berlin 1927); Flechtheim, Julius, *Die rechtliche Organisation der Kartelle* (Mannheim 1923); Isay, R., and Tschierschky, S., *Kartellverordnung* (*Verordnung gegen Missbrauch wirtschaftlicher Machtstellungen*) (Mannheim 1925); Haussmann, F., and Holländer, A., *Die Kartellverordnung* (Munich 1925); Reichsverband der deutschen Industrie, Kartellstelle, *Sammlung von Entscheidungen und Gutachten des Kartellgerichts*, published currently since 1923; Vershofen, Wilhelm, *Die Marktverbände* (Nuremberg 1928); Berkenkopf, Paul, *Die Neuorganisation der deutschen Grosseisenindustrie seit der Währungs-Stabilisierung* (Essen 1928); Fischer, P. T., and Wagenfuehr, H., *Kartelle in Europa* (*ohne Deutschland*) (Nuremberg 1929); *Kartell- und Konzernrecht des Auslandes*, ed. by R. Isay, 2 pts. (Berlin 1927); Fitzgerald, Patrick, *Industrial Combination in England* (London 1927); Levy, Hermann, *Monopolies, Cartels and Trusts in British Industry* (London 1927); Gordon, A. P. L., *The Problem of Trust and Monopoly Control* (London 1928); Seager, H. R., and Gulick, C. A., Jr., *Trust and Corporation Problems* (New York 1929); Liefmann, Robert, *International Cartels, Combines and Trusts* (London 1927); MacGregor, D. H., *International Cartels*, League of Nations, II Economic and Financial, 1927. II. 16, C.E.C.P. 93 (Geneva 1927); Oualid, William, *The Social Effects of International Industrial Agreements. The Protection of Workers and Consumers*, League of Nations, International Labour Office, C.E.C.P. 94 (Geneva 1926); Domeratzky, Louis, *The International Cartel Movement*, United States, Bureau of Foreign and Domestic Commerce, Trade Information Bulletin no. 556 (1928).

CARTER, HENRY ROSE (1852–1925), American sanitarian. After completing an engineering course at the University of Virginia in 1873 he studied medicine at the University of Maryland. Following his graduation in 1879 he entered the marine hospital service and by 1915 had reached the grade of assistant surgeon general. The study and prevention of yellow fever and malaria occupied a large part of his career. While detailed at Ship Island quarantine station in the Gulf of Mexico he gained the experience upon which was based his recommendations for the control of maritime quarantine by the central government. He was charged with the control of several epidemics of yellow fever in the southern states and later had charge of the antimalaria campaign in the same section. In 1900 he published a description of the "extrinsic incubation" of yellow fever, which had a profound influence upon the decision of the Reed board to investigate the possibility of mosquito transmission of the disease. His observations showed that a definite period always elapsed between the first and succeeding cases in a locality. This interval was later shown to be the time necessary for the development of the virus in the body of the Stegomyia. Dr. Carter inaugurated a quarantine system in Cuba in 1899 and from 1905 to 1909 was director of hospitals in the Panama Canal Zone. As a member of the International Health Board he investigated yellow fever in Central and South America in 1916 and acted as sanitary adviser in Peru in 1920–21. At the time of his death he was engaged upon an encyclopaedic history of yellow fever.

James M. Phalen

Consult: Carter, H. R., "Protecting the United States from Disease" in *Hygeia*, vol. iii (1925) 39–43, 91–94; *American Journal of Tropical Medicine*, vol. v (1925) 385–88; Gorgas, M. D., and Hendricks, B. J., *William Crawford Gorgas* (Garden City 1924).

CARTER, JAMES COOLIDGE (1827–1905), American jurist. Carter was one of those leaders of the New York bar whose clients' cases are either so desperate or so important that they dare employ no other counsel; but he was unique in the moderation of his fees. His writing proceeded mainly from his successful fight from 1878 to 1887 to keep the ill considered Field Civil Code from adoption in New York. His widely distributed pamphlet, *The Proposed Codification of Our Common Law* (New York 1884), argued that in private law justice is of vastly more import than certainty, and that the situations which will arise are unforeseeable. Hence only case law, laying down rules which are at best provisional and can be revised for new situations, can fill the need. The fixed rules of a codification are of necessity either guesses too wild to be risked or definitely unjust. In *Provinces of the Written and the Unwritten Law* (New York 1889) the foundation of the argument shifts from justice to inherent necessity. Principles of "the national standard of justice" do in fact govern private transactions; they are absolute; they cannot be made by human enactment but are growths; they can be discovered only by study from case to case; the judges are the experts in discovery. In *The Ideal and the Actual in the Law* (Philadelphia 1890) the doctrine takes on its most satisfactory form. Only in that essay do "thoughts" of the people appear alongside "universal customs" as the essence or sole effective cause of law; there too is the most successful approach to describing the work of judge or legislator when custom is indefinite or conflicting or in process of formation. *Law, Its Origin, Growth and Function* (New York 1907), Carter's best known work, builds rather out of the *Provinces* than out of the later paper and suffers accordingly. While judges and legislators approach creative activity when they "seize on tendencies and convert growing custom into positive rules," they cannot create custom; and their attempts to declare it are experiments, futile and "tyrannous" if the rule declared does not fit. Custom "is—what is more and better than known—felt." In his work Carter thus develops, largely independently, ideas approaching those of Savigny, yet more extreme; Savigny's "expert" speaks for and is *pro tanto* the *Volkgeist*; Carter's expert is one only in knowing what lay custom is. The chief virtue of Carter's position is his insistence on the huge scope of extra-official controls in law and on the limitations set thereby to official action. The chief vice of the positive analysis is oversimplification. Carter deliberately disregards, for example, the whole law of governmental organization and of legal procedure; he overlooks modern administrative regulation. The multiformity and conflict of subgroup "customs" is hopelessly scanted. The realm of flux in which there is no custom and in which officials really create; even more the realm of tolerance in which official determinations, though they counter existing custom, are carried through; and finally the practical effects of judicial "tyranny"—these are too detailed for the vague vastness of Carter's picture. Negatively, his argument attacks not codification as it is—a fresh and fertile start for case law, which at its best already incorporates existing tendencies—but the utopian ideal of the blinder advocates of codification: a closed system, "certain"—and dead.

K. N. Llewellyn

Consult: Miller, G. A., in *Great American Lawyers*, ed. by W. D. Lewis, 8 vols. (Philadelphia 1907–09) vol. viii, p. 1–41; Gray, J. C., *The Nature and Sources of the Law* (2nd ed. New York 1921) p. 233–39, 283–92.

CARTER, JAMES GORDON (1795–1849), American educational reformer. Carter's serious education did not begin until he was seventeen years old, when he began to work his way through Groton Academy and later through Harvard College. Immediately upon his graduation from Harvard in 1820 he opened a private school at Lancaster, Massachusetts. It was the common school, however, which engaged his chief attention both then and throughout the remainder of his active life. As early as 1821, in a series of letters in the Boston *Transcript* collected as *Letters to the Hon. William Prescott, LL.D., on the Free Schools of New England* (Boston 1924), he indicated the direction which his efforts to improve free education were to take, by the formulation of the two principal weaknesses of the system: the lack of scientifically constructed schoolbooks and the incompetence of teachers. According to Carter textbooks should aim to teach inductively, first making appeal to experiences familiar to the pupil or to concrete instances, upon which principle and rules could be built. His remedy for the second weakness was described in his *Essays upon Popular Education, Containing a Particular Examination of the Schools of Massachusetts and an Outline for an Institution for the Education of Teachers* (Boston 1826). As the first strong plea for the establishment of normal schools Carter's *Essays* attracted considerable attention in the educational world, but he was unable to persuade the Massachusetts legislature to support his project. In 1827 he therefore founded at Lancaster, Massachusetts, a private institution for the training of teachers. During his membership in the Massachusetts legislature (1835–39), where he served as chairman of the committee on education, he continued to urge the cause of the common school and in 1837 succeeded in securing the creation of a state board of education. He was deeply disappointed by his failure to secure the secretaryship of the board, which went to Horace Mann, and from that time on he became involved in political and financial transactions which caused his influence to decline. Except for his establishment of the American Institute of Education in 1830 the sphere of his activities had been confined almost entirely to the state of Massachusetts. Nevertheless, the ultimate influence of his propaganda in behalf of free education and of normal schools was nation wide.

I. L. Kandel

Consult: Barnard, H., *Memoirs of Teachers, Educators, and Promoters and Benefactors of Education, Literature and Science* (2nd ed. New York 1861) p. 182–94.

CARTIER, GEORGES ÉTIENNE (1814–73), French-Canadian politician, legal reformer and promoter of transportation. Cartier entered the legislature in 1849, where he allied himself with John A. Macdonald, leader of the Upper

Canadian Conservatives, and became premier of the United Province of Canada.

As attorney general for Lower Canada he secured the decentralization of the administration of justice by the establishment of judicial districts with resident judges. His chief legal reform was the codification, largely on the Napoleonic model, of civil law and civil procedure in Lower Canada, effective in 1866. He was an active supporter of the Seigniorial Act of 1854, and in 1859 he secured a large increase in the grant for the redemption of seigniors' rights. He also sponsored measures for the improvement of primary education in Lower Canada.

He promoted the development (and use) of river and canals to secure the Great Lakes commerce for the St. Lawrence route, and as chairman of the railway committee of the legislature from 1852–67 and attorney for the Grand Trunk Railway he secured favorable legislation and governmental financial aid for that road, which he deemed essential to national welfare. Later he promoted the construction of the Intercolonial and the early plans for the Canadian Pacific.

Federal union, for which railways were a necessary economic foundation, appealed to him especially as a means of preserving French culture and institutions in Canada. In 1864 he was a party to the coalition which negotiated a scheme of union with the maritime provinces. In defense of local French autonomy he insisted that the new union be federal and carried French Canada with him for "Confederation."

Reginald G. Trotter

Consult: *Revue canadienne*, n.s., vol. xiv (1914) 193–288; Boyd, J., *Sir George Etienne Cartier, Bart.* (Toronto 1914).

CARTWRIGHT, JOHN (1740–1824), English political reformer. Cartwright, who was brother to Edmund Cartwright, inventor of the power loom, sacrificed a promising naval career by refusing in 1776 to serve against the American colonists, and in 1792 he was deprived of his majority in the Nottinghamshire militia for his liberal opinions. His doctrine of reform can be traced back to his *American Independence, the Interest and Glory of Great Britain . . .* (London 1774, 2nd ed. 1775), a reprint, with prefatory matter, of letters signed "Constitutio" contributed to Woodfall's *Public Advertiser* on various dates from March 30 to June 6, 1774. He held that a people should determine its own form of government and argued therefore that sovereignty over America was not in the British Parliament but in the crown alone, acting through colonial assemblies. He maintained also that the British Parliament, having lost its originally representative character, needed restoration by drastic reforms. His proposals in *Take Your Choice* (London 1776, 2nd ed. 1777), which were repeated with little change of substance in his later writings, such as *The People's Barrier* (London 1780), were in essence those afterwards revived by the Chartists. In his arguments Cartwright followed the historical method. His history is usually wrong, but his conclusions are sensible, for his method saved him from some of the dangers of a doctrinaire temper. He founded, or shared in organizing, many reform societies from the Society for Constitutional Information in 1780 to the Hampden Club in 1811. He was called "the father of reform" and was indefatigable as pamphleteer, organizer and political speaker.

George Stead Veitch

Consult: *The Life and Correspondence of Major Cartwright*, ed. by F. D. Cartwright, 2 vols. (London 1826), containing list of his writings, vol. ii, p. 299–302; Veitch, G. S., *The Genesis of Parliamentary Reform* (London 1913); Davis, H. W. C., *The Age of Grey and Peel* (Oxford 1929).

CARTWRIGHT, THOMAS (1535–1603), English Puritan divine. He was the leader of the Puritan party which in the reign of Elizabeth aimed at the Presbyterianization of the English church. Primarily he was a Puritan and not a political philosopher. It was as a defender of the Puritan Presbyterian program against Whitgift that he expounded his views of the relationship between church and state and incidentally disclosed his general political principles. In spite of his disclaimer that he did not deliberately "shoot at" the state his teaching teems with political implications. According to his theory of the two kingdoms church and state are two *societates perfectae*, distinct but interdependent like the Hippocratic twins. Cartwright applied his ideas of sovereignty to the church, but his opponents pointed out their applicability to the state. In the ideal church the mixed sovereignty —democratic, aristocratic and monarchical—is exercised by the members, the office bearers and Christ respectively. Cartwright took the oath of supremacy but on the understanding that Elizabeth's governorship of the church was limited by the absolute sovereignty of God, the headship of Christ and the *jus divinum* of Presbyterianism. He differed from the Calvinistic monarchomachs in Scotland, France and

Holland because he lived in different circumstances. Elizabeth was neither an absolute tyrant nor a Romanist. Her anti-Spanish, anti-Jesuit, anti-Guisian activities were favored by the Puritans. She was not bad enough to make Cartwright and his fellows preach resistance and tyrannicide.

As a Calvinistic reformer, humanist and Englishman Cartwright brought a largely unconscious bias to the interpretation of the Bible, the ostensible source of his views. He was intimately acquainted with Aristotle's *Politics* and many Aristotelian principles are embodied in his teaching. The revival of Aristotelianism which roused the violent opposition of Hobbes, the great protagonist of the unitary state and absolute monarchy, synchronized with the recrudescence of Cartwrightism in the seventeenth century. It is interesting to note the relationship of Cartwright to Melville, the advocate of the two kingdoms theory in Scotland; and to Hooker, whose *Ecclesiastical Polity* was largely a counterblast to Cartwright's position; and also the connection between Cartwright's tenets and the Puritan program during the civil war of the seventeenth century.

A. F. Scott Pearson

Consult: Pearson, A. F. Scott, *Thomas Cartwright and Elizabethan Puritanism, 1535–1603* (Cambridge, Eng. 1925), and *Church and State: Political Aspects of Sixteenth Century Puritanism* (Cambridge, Eng. 1928).

CARVALHO E MELLO, SEBASTIANO JOSÉ DE. *See* Pombal, Marquez de.

CARY, JOHN (date of birth unknown—died *c.* 1720), British economist. Cary was a prominent Bristol merchant whose *Essay on the State of England in Relation to Its Trade, Its Poor and Its Taxes* (Bristol 1695; reissued in 1717 and 1745 under other titles, and in French, 1755, and Italian, 1764) is an excellent summary of contemporary mercantilist opinion. It illustrates in particular the stress placed on employment as a criterion of national prosperity. He held it to be the duty of the state to inquire which trades were advantageous and which disadvantageous to the country, in order that the former might be actively encouraged and the latter discouraged. This obligation was, in fact, placed on the Committee for Trade and Plantations established in 1696. Cary advocated the repeal of customs duties on exported manufactured goods and imported raw materials. He graded raw materials according to the amount of labor required to convert them into finished manufactures and held that those which would give the greatest employment would add most to the national wealth when reexported as finished products. He estimated the value of the colonies according to the amount of employment in the mother country promoted by trade with them. Holding the conviction that "industrious people are the wealth of a nation" he favored the provision of work for the willing and the use of force on the unwilling. On this principle he agitated for a local act of Parliament to enable Bristol to administer its nineteen parishes as a single area through an elected corporation of the poor. The employment of the able bodied poor was to be organized in a workhouse, where children also were to be trained to be self-supporting. After a few years Cary recognized that the scheme was a financial failure, but it was the model for several local experiments in the eighteenth century. Cary also wrote in favor of protection on manufactured goods, of bullion import and of the establishment of a national bank with provincial branches "on the credit of Parliament" to issue interest bearing notes to depositors and to make loans. In the British Museum (Add. Ms. 5540) there is a volume of his correspondence, part of which is with John Locke, who describes the *Essay* as "the best discourse I ever read on that subject."

J. F. Rees

Consult: Macleod, H. D., *A Dictionary of Political Economy* (London 1863) p. 391–93.

CASA DE CONTRATACIÓN was before the nineteenth century the chief administrative agency for the regulation of commerce between Spain and her overseas possessions and the earliest institution created specifically for the governance of the American empire. Founded by royal decree of January 20, 1503, it was in June established at Seville, the mercantile capital of Castile, to whose sovereign the Indies were held to belong. In the beginning the Casa was without doubt planned to be the trading house of the crown, corresponding with royal "factories" in the New World. But this soon proved to be impracticable, and it became a government bureau licensing and supervising all ships and merchants, passengers and goods, passing to and from the Indies, and seeing that the laws and ordinances relating to them were meticulously obeyed.

The Casa received and cared for all gold, silver and precious stones remitted to the crown from American mines and collected the *avería*, or convoy tax, and customs and other duties. Transcripts were kept of official communications passing through the Casa to America and of correspondence from America about trade and finance, as well as accounts of receipts and expenditures of the colonial treasurers. The officers of the Casa might propose to the king any measure they deemed necessary for the organization and development of American trade. The institution therefore became a sort of ministry of commerce and one of the principal outposts of the royal exchequer.

The personnel of the Casa consisted at first of a treasurer, a comptroller (*contador*) and a factor or business manager, who were expected to meet for consultation and joint action morning and afternoon every day in the year except holidays. With increase in the volume and complexity of business, from time to time subordinate officials, secretaries and legal counselors were added, and the three original officers became executive heads of large departments. In 1514 the office of postmaster general was created, and Philip II added that of president of the Casa. From 1588 there was a purveyor general of armadas and fleets with a staff of his own, and at the close of Philip's reign a Tribunal de la Contaduría, or board of audit. In the seventeenth century appeared a commandant of the navy yard, a staff to superintend the purchase and testing of artillery and powder and to teach gunnery and another to administer the *avería* for the defense of the annual fleets.

A chief pilot was appointed as early as 1508 (the first being Amerigo Vespucci), and under his direction there gradually developed a hydrographic bureau and a school of navigation for the construction and validating of nautical charts and instruments and for teaching and examining pilots for the "India" traffic; a professorship of cosmography was established in 1552. One of the duties of the chief pilot and his associates was to maintain a careful and systematic record of the results of geographical discovery and exploration, and a standard map, *Padrón real*, was kept in the Casa to which all charts had legally to conform.

The Casa was also a court of law. Its officers very early attempted to exercise judicial authority over infractions of its rules and in disputes between merchants and mariners engaged in the American trade. Coming into conflict with the local judiciary of Seville its competence was in 1511 defined by the crown to cover all civil suits growing out of the trade and the crime of barratry as well. Its three officials were therefore referred to as *jueces oficiales*. Final shape was given to the Casa's jurisdiction by Charles V, who in 1539 granted it exclusive authority not only over infractions of its ordinances but over civil suits affecting the revenues of the crown and over all crimes committed on the voyage to and from America, with appeal in important cases to the Council of the Indies.

A *fiscal*, or prosecuting attorney, was added to the Casa's staff in 1546, and such was the increase of judicial business that in 1583 a separate chamber, or Sala de Justicia, was created consisting of two, and later of three, justices. Thereafter the Casa comprised two quite separate branches, administration and justice, the president serving as the link between them. The erection at Seville in 1543 of a Consulado, or guild of merchants trading with America, had meantime somewhat reduced the number of civil cases. The officers of this guild, a prior and two consuls elected annually by the merchants, took over the settlement of all civil suits between members, including proceedings in bankruptcy. Their methods, simpler and more expeditious than those of the ordinary law courts, relieved the Casa of a great mass of judicial work.

Another subordinate institution was the Juzgado de Indias at Cadiz. As all trade with the New World had to pass through the Casa its control was from the outset restricted to a single port for the whole of Spain. And in spite of the claims of other cities, of protests from the colonists and of efforts of the emperor, Charles V, to overrule the monopoly, for two centuries Seville retained this high privilege. Owing to the difficulties and dangers of the bar at San Lucar—Seville's entrance to the sea—and the shallow channel of the Guadalquivir up to Seville, ships from 1508 on were permitted to lade either at Cadiz or San Lucar under supervision of an inspector from the Casa. In 1535 the crown appointed a permanent resident, *juez oficial*, at Cadiz, and ships and fleets returning from America were frequently allowed to make Cadiz their port, provided cargoes and registers were transported intact to Seville. This institution was throughout the sixteenth and seventeenth centuries a source of perennial jealousy and dispute, since the advantages of Cadiz harbor attracted shipping more and more to it, until a new dynasty in 1717 transferred the Casa entire to the rival port and the Juzgado de Indias was assigned to Seville.

The Casa had charge also of trade with the Canary Islands and with the adjacent African coast. The Canaries were a regular port of call on the outward voyage to America, and early in the reign of Philip II an organization similar to that at Cadiz was set up in the three principal islands.

The Casa de Contratación exercised its greatest influence under the Hapsburgs before the eighteenth century. It was the nerve center of a rigid and elaborate system designed to monopolize all American trade for Spaniards and to secure to Spain all the bullion that came from the New World. The system, adopted by a relatively non-industrial country neither rich nor very populous, proved to be only an instrument of disaster. In spite of minute regulation and supervision, evasion, with or without the connivance of officials, was very prevalent. Great numbers of unlicensed persons slipped out to America, and not only did contraband trade flourish at Seville and Cadiz but foreigners engaged directly in trade with ports in the colonies.

In the eighteenth century, with the economic reforms gradually introduced by the Bourbon kings, the importance of the Casa slowly declined. The Andalusian monopoly was infringed by the creation of privileged trading companies capitalized and operating in the north of Spain, and under Charles III commerce was gradually thrown open between all important Spanish seaports and all parts of the American empire. When the old canalized system of trade was abandoned the Casa had lost its excuse for being, and in 1790 it was abolished.

CLARENCE H. HARING

See: COLONIES; COLONIAL ADMINISTRATION; COLONIAL COMMERCIAL POLICY; CHARTERED COMPANIES; ASIENTO; AUDIENCIA; COUNCIL OF INDIES.

Consult: Veitia Linaje, Joseph de, *Norte de la contratación de las Indias Occidentales* (Seville 1672), tr. by John Stevens (London 1720); Antuñez y Acevedo, Rafael, *Memorias históricas sobre la legislación, y govierno del comercio de los españoles con sus colonias en las Indias Occidentales* (Madrid 1797); Puente y Olea, Manuel de la, *Estudios españoles: Los trabajos geográficos de la casa de la contratación* (Seville 1900); Scelle, Georges, *La traite négrière aux Indes de Castille*, 2 vols. (Paris 1906); Piernas y Hurtado, J. M., *La casa de la contratación de las Indias* (Madrid 1907); Artiñano y de Galdácano, Gervasio de, *Historia del comercio con las Indias durante el dominio de los Austrias* (Barcelona 1917); Haring, C. H., *Trade and Navigation between Spain and the Indies in the Time of the Hapsburgs*, Harvard Economic Studies, vol. xix (Cambridge, Mass. 1918); Pulido Rubio, J., *El piloto mayor de la casa de contratación de Sevilla*, Publicaciones del Centro Oficial de Estudios Americanistas de Sevilla, Biblioteca Colonial Americana, vol. x (Seville 1923).

CASAUX, CHARLES, MARQUIS DE (1728–96), economist. Casaux was born on the island of Grenada in the West Indies and was a sugar cane planter there for many years; the latter part of his life was spent in England and France. He is known primarily for his theory of the automatic self-regulation of society, which he elaborates in his most important work, *Considérations sur quelques parties du mécanisme des sociétés*. The author maintains that "whatever is needed to compensate for the results of an injustice to the public will always be performed through the public." Provided that all obstacles to its operation be removed by the leaders of society and that knowledge of its existence be widely enough diffused, this regulative force will function without further outside intervention. Examining in the light of this theory the contemporary economic situation in England and France Casaux strongly advocates the destruction of monopoly and the introduction of free competition as a means of obtaining the just price. The interests of the three principal classes in the state, the landowner, the industrialist and the capitalist, require a maximum of production and freedom from restraint. A large section of the *Considérations* deals with the problem of the English sinking fund as a means of redeeming the public debt. Anticipating both Hamilton and Ricardo he attacks the sinking fund on the ground that redemption is no longer imperative since the charges of the debt have been rendered relatively insignificant by the vast increase of national income resulting within the last century from such factors as the doubling of wages and trebling of foreign trade. Because of the necessity of effecting a "just equilibrium between agriculture and national industry" taxes on the entire consumption are preferable to a discriminating single tax, whether imposed on land or luxuries. The principle of taxation is justified by the fact that the inevitable rise in prices which results is compensated by an automatic rise in wages. Casaux was also an advocate of internationalism; the conclusion of the Eden Treaty of Commerce in 1786 represented to him the triumph of his ideas of permanent peace based on reciprocity. After leaving England in 1788 Casaux visited France, where during the early years of the revolution he wrote numerous pamphlets—and occasionally advised Mirabeau—on contemporary economic, fiscal and constitutional problems.

STEPHEN BAUER

Important works: *Considérations sur quelques parties du*

mécanisme des sociétés, 3 vols. (London 1785–88), tr. by Parkyns MacMahon (London 1786); *Questions à examiner avant l'assemblée des États Généraux* (Paris 1788); *Simplicité de l'idée d'une constitution et quelques autres qui s'y rapportent* (Paris 1789); *Absurdité de l'impôt territorial et de plusieurs autres impôts, démontrée par l'exposition des effets ou réactions des différentes espèces de taxes sur tous les prix tant du travail que de ses produits, soit dans l'agriculture, soit dans l'industrie* (Paris 1789).

CASE LAW is law found in decided cases and created by judges in the process of solving particular disputes. Case law in some form and to some extent is found wherever there is law. A mere series of decisions of individual cases does not of course in itself constitute a system of law. But in any judicial system rules of law arise sooner or later out of such decisions of cases, as rules of action arise out of the solution of practical problems, whether or not such formulations are desired, intended or consciously recognized. These generalizations contained in, or built upon, past decisions, when taken as normative for future disputes, create a legal system of precedent. Precedent, however, is operative before it is recognized. Toward its operation drive all those phases of human make up which build habit in the individual and institutions in the group: laziness as to the reworking of a problem once solved; the time and energy saved by routine, especially under any pressure of business; the values of routine as a curb on arbitrariness and as a prop of weakness, inexperience and instability; the social values of predictability; the power of whatever exists to produce expectations and the power of expectations to become normative. The force of precedent in the law is heightened by an additional factor: that curious, almost universal sense of justice which urges that all men are properly to be treated alike in like circumstances. As the social system varies we meet infinite variations as to what men or treatments or circumstances are to be classed as "like"; but the pressure to accept the views of the time and place remains.

The practical universality of case law in some form does not make less significant the great differences in its detail and in its scope within different legal systems. Case law modified by statute is the essence of the Anglo-American judicial system. For the case law is the background against which statutes are viewed; it governs wherever no statute has entered. Indeed, statutes are in the main regarded as innovations on case law, to be limited in their application; and after their enactment case law provides both the wherewithal to fill gaps in their subject matter and the technique of interpreting what they cover—so much so that it is a legal commonplace that no man knows what a statute means until the courts have "construed" it. The effects of this process are to be traced in two directions. Statutes are, in our system, drawn typically in some haste and none too skilfully; inevitably their words cover more or less than what was intended. The judge with a specific variant before him has an opportunity to fit the statute to changing facts. On the other hand, where the older case law closes the judge's eyes to a statute's purpose it may destroy the main value of legislation: the ability to strike out with relative freedom on new and needed lines.

Legislation works by generalization in advance and with an eye to the future as far as human institutions will allow; case law works deliberately with an eye to the past, adjusting individual variants as they arise. Because of this individualization of decisions case law is grandly unsystematic, grows in isolated, uneven, often inconsistent ways and directions in different areas of the law and shows an ever recurring and ever increasing tendency to assume disordered unmanageable bulk. In all of this it contrasts somewhat with the single statute, but most sharply with the systematic codification of rules of law by statute. For the essence of a code is the attempt to arrange all the relevant law in clear cut authoritative form. An unofficial compilation of case law such as the Sachsenspiegel or the pending Restatement of the Law, if it wins unofficial authority, or a partial code such as the Uniform Sales Act more or less approaches the character of a codification in its effect on rigidity of the law.

The relation of code and prior case law has been much discussed, especially on the continent. Primitive codes often represent a political compromise involving reform of the prior case law. Indeed, since case law is uneven and often self-inconsistent all codes represent some reform. Yet a successful code must apparently be built directly or indirectly on case law, the repository of legal experience. Such was the basis of Justinian's code and the famous modern European codes; it has also been the basis of the partial codifications of the common law. Less discussed but equally important is the relation of code and post-code case law. Three features of the code are of particular importance in shaping this relationship. In the first place, the code has cleared up the pressing problems of its own day, settling them, typically, along the lines of immediately pending growth; for a time, therefore, it seems to offer a solution of all cases by mere "application." Secondly, a code almost always purports to be the sole authority for subjects which it covers; the acceptance of this claim prevents, at least for a time, the development of an officially recognized system of judicial precedent. In the third place, the fact that code rules are phrased in sharp outline lends decision under a code a delusive appearance of deductive certainty, all the greater when contrasted with the vagueness of outline of case law rules, which are often phrased nowhere at all but must be pieced together from a series of cases. The clearness of outline of the code rule, supplemented by the common feeling that the legislature has settled the issues of policy which arise, does distinctly narrow the range of post-code case law growth, at the same time that the absence of official recognition of precedent slows up the manifestation of its cumulative power. None the less, case law begins promptly; but its presence seems to become recognized only when non-legal institutions have come to differ so greatly from those presupposed by the code that the gap is obvious to the most blind. In Rome the great creative case law period occurred only when the early code was almost buried by the built up case law; in France in the last quarter of the nineteenth century scholars reacquired the instinct for legal invention which Portalis showed when he was preparing the Code Civil; in Germany war and inflation led to a modernizing of the code by case law in a space of a quarter of a century and in the teeth of the teaching of the theorists.

The actual effect of case law of course depends largely on particular conditions. In the absence of written records the territorial scope of any uniformity introduced by the piling up of cases must remain small, and change on the advent of new conditions may be made easier. If the accepted legal theory at any time is that of despotic discretion in the handling of disputes, the sphere of effective case law may be reduced to matters so vital to the underlying population or to the group on which the ruler's power rests that divergence from accepted custom would provoke revolution. But even in this extreme case the tendency persists for precedent to develop and widen, and growth of precedent finds new stimulus in the unofficial self-government of groups apart from the state. Perhaps most important is the variation in the effective nature of case law which depends on the official acceptance of precedents as "binding." Where they are not so accepted but are treated only as a guide, departures from past decisions are somewhat easier, with a resultant delay in the accumulation of precedent and greater difficulty in prediction. But pre-code precedent is typically regarded as binding as soon as judgments in individual disputes cease to be thought of as quasi-magical or inspired dispensations; precedent is indeed commonly regarded as so binding that the problem for the legal historian becomes one of explaining how growth occurs, despite the theory that the law shall be declared to be only that which it has always been: the order of things. Without taking into consideration this "order of things" attitude, one cannot understand the existence of retroactive decisions whereby a change in judge made rule will be applied as if the new rule had always been, even to transactions entered into before its making. It is the operation of this often unrecognized presupposition which has made judges so cautious in innovation; and which has so often led change to wear the lacy clothing of "distinction."

The erection of such half recognized assumptions into a theory of the legal process—the creation of a doctrine of precedents—is a natural occurrence at one stage in the development of case law and influences its later growth. Most such doctrines have been based on at least three propositions: one, not found everywhere, that the tribunal had to decide the dispute before it; the second, that the tribunal could authoritatively decide only the dispute before it; and third, that the decision must have occurred as an instance under some general rule wider than the single dispute. Those who expound such a doctrine frequently overlook, however, the obvious fact that "the" general rule settled in a dispute may be conceived narrowly or widely and may branch in any of many directions. As a result of such confusion there have arisen in Anglo-American law two divergent and inconsistent doctrines of precedent, both reflecting judicial practise and lawyer's arguments, both in constant application, the courts using the one or the other as need serves. Almost never are the two looked at together and expressly recognized as legitimate alternatives. The strict doctrine limits the authority of a case to the exact issue presented, both procedurally and on the facts, and reads the rule laid down by the court as limited to the precise issue before it; in extreme form this strict view may even stress a feature of the prior case overlooked by the prior court and disregard the rule expressly laid down as therefore unnecessary to the decision. This form of the doctrine serves to limit and "distinguish" uncomfortable decisions. The loose doctrine is the tool for the widening of precedent. It regards as authoritatively settled by a prior case any proposition, however broad, upon which the prior court expressly put its decision, and may even use as authority the theory of a legal situation developed in the dicta or treat the case as solid authority for a broad proposition not before expressed at all but "clearly within the reason of the rule there laid down." No system of precedent could survive amid changing conditions in the absence of such a two-headed doctrine, which makes easy the limitation of the unfortunate language of the past and the extension of the fortunate. The judge's art lies in knowing when to do the one or the other; the lawyer's art lies largely in anticipating which will be done. Only the latitude given by this ambiguity of the common law doctrine of precedent makes possible the influence of the facts of particular cases upon the rules laid down.

The course of growth of case law depends in good part on this influence of the facts, checked by the etiquette of rationalization in terms of precedent, by the judges' training in prior law and by their feeling of responsibility for the precedents which their present decisions may make. Its growth depends also on the fact that questions arising for the serious consideration of appellate courts are usually doubtful questions, which means that a vast bulk of them are novel questions. Thus, while the courts are facing backward to find authority, it is ever from the emerging conflicts on the fringe of growth that the facts before them are drawn: and hence there must be growth in spite of precedent. The choice of cases, as between conflicting interests, and the order of their presentation to courts is, typically, random. The influence of the pressure of facts on the shaping of rules therefore works out with some long run impartiality. Calculated long range selection of the order in which issues are presented, such as has been done in the last decades by some better organized business interests, therefore threatens one of the least planned but most valuable features of our case law system. On the other hand, a long range shifting of needs as between two interest groups or the emergence of a new interest will even by random selection result in bulking the fact and emotional pressures repeatedly on a single side, and thereby result in appropriate change of law—late, to be sure, but fairly certain.

The judge dealing with an emergent need and deciding wisely on the facts will turn for justification to the first concept at hand. His use of that concept in his opinion, for the advantage to be derived from one of its aspects, is likely, however, to shackle his successors with all the other historical implications of the concept used, however ill adapted they may prove to the emergent situation. But through this very process of groping for remedy accumulating cases make a new problem clear, and before a problem is thus clarified legislation cannot successfully cope with it. During the period of experiment and discovery case law is a superb device for legal regulation. If a change involved is minor, case law can cope with it. But major changes, if their solutions are not to be distorted into disutility by legal concepts developed for other purposes, must come ultimately before the legislature. Both in the distant and in the recent past case law judges, aided by the bar, have worked out broad solutions starting in their skill, such as the rule against perpetuities, the action on simple contract, the letter of credit or the trust receipt. But such instances, numerous as they are over the centuries, are peak achievements of a social machinery geared to other ends.

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See: Law; Judicial Process; Common Law; Customary Law; Codification; Legislation.

Consult: Gray. J. C., *The Nature and Sources of the Law* (2nd ed. New York 1921) chs. ix–x; Carter, J. C., *Law: its Origin, Growth and Function* (New York 1907); Cardozo, B. N., *The Nature of the Judicial Process* (New Haven 1921); Allen, C. K., *Law in the Making* (2nd ed. Oxford 1930) chs. iii–iv; Oliphant, Herman, "A Return to Stare Decisis" in *American Bar Association Journal*, vol. xiv (1928) 71–6, 107, 159–62; Pound, Roscoe, "The Theory of Judicial Decision, III, A Theory of Judicial Decision for Today" in *Harvard Law Review*, vol. xxxvi (1923) 940–59.

CASE METHOD. The case method, which has attained importance as an educational device through its widespread use in the teaching of law in the United States, was originated by

C. C. Langdell (*q.v.*) in 1871 as a revolt against the older methods of legal education (*q.v.*). Before Langdell, training in law in the United States had been secured partly by the apprentice system, partly in law schools in which the predominant method of instruction was the lecture; or the instructor used the printed lectures of others and quizzed on the texts. The essential features of the case method, on the other hand, were the use of actual "cases," i.e. court opinions, as the main content of the courses of study, and an emphasis on discussion in class.

The case system was based on certain fundamental premises as to the nature of legal science and practise. One was that lawyers in practise must work out what courts will do, and how to argue to them, largely from judicial opinions, and that the law student can best learn this job by doing it. A second premise was that the study of concrete factual situations and of the decisions on the issues raised provides the basis for a discussion class, gives substance and content to the rules concerned and makes for sounder and more interesting teaching. The third underlying premise of the method will not hold water, namely that the determination of legal principle (viewed simultaneously as a means of predicting how cases will come out and as a means of determining "the right" solution) is a "science," like a natural science, and capable of accurate inductive study; and that the basic materials for observation are the opinions of the judges. According to this conception the number of "principles" was relatively small; they were reflected in the cases, and unfolded themselves in the course of history to him who had an eye to discover them. An instructor who had grasped these principles could select in any field of law a series of cases, most commonly arranged by date, in which the principles were reflected, and could lead the student to extract these for himself. Interspersed, to stimulate thought and discussion, would be occasional cases where the judges had gone wrong. In the classroom the accurate statement, the working out and the cross play of principle could be accomplished by putting hypothetical cases. Whatever the validity of these premises, the advantages of the case system as a method of instruction are obvious. Instead of hearing or reading general rules ready made, from some unexamined source of authority, accepting them and then attempting to apply them, the student was to dig out his general rules for himself. In the process, he would develop an ability to think; he would learn to handle himself in legal argument; he would acquire, even, a degree of skepticism concerning some rules which some men had formulated.

A necessary corollary to the case method, as soon as the class grew large enough to press upon the library, was the casebook, i.e. the separate printing of a selected series of opinions for discussion. The cases in such a compilation are, to be sure, more or less edited; and the more they are cut in the editing, the farther the student is removed from real wrestling with the original sources. This does not, however, remove the advantage of inductive thinking, nor that of dealing with the concrete. Important for the widespread adoption of the case method was the magnificent series of pioneering casebooks produced by James Barr Ames (*q.v.*). But a relic of the older lecture or textbook system is still found in those "casebooks" which, instead of raising problems for discussion, merely string together illustrative cases, in which the language of each rule appears.

Though decried at first, especially as being too difficult, the case system had made its way into all American law schools of the better class by 1915. Now that the struggle over its adoption has died down, certain drawbacks to the system are receiving attention. These disadvantages are partly a result of the increasing size of law classes, which makes the actual dialectic tend to center on a few of the better men, while the class at large becomes an audience. To a greater extent, the difficulties lie in the method itself and in certain excrescences attendant on its general use.

Knowledge of the positive law is won under case discussion only at heavy cost in time. The field of law is vast; the student needs a speaking acquaintance with many matters which there is no time for case discussion to bring out. This calls not for the displacing of the case technique, but for the use of supplementary material. In part, informational footnotes to the casebook fill the need; in part, lectures; in part, outside reading, especially under the pressure of impending bar examinations. More troublesome is the fact that a good student can learn the case technique in a year or so and then ceases to have much use for an instructor. His needs have been met, to some extent, by the law reviews, on which the better students do independent research work as editors. And there is a distinct tendency, by the use of moot courts or of essay problems, to make training in legal research and argument a part of the course of study.

More vital, however, are the results of the practise of summarizing the cases and decisions for the student. Here the presupposition of the existence of exact legal principle has had far reaching effects. The casebooks have been built up largely in an effort to make clear basic principles, the deductive use of which gives a sure key to prediction and a touchstone to the rightness or wrongness of decisions. Desiring to put the student in secure possession of these principles and to clarify for him fields of law in which no undergraduate can be a specialist, the instructor tends to state the law in orderly fashion, and the student to accept the recurring summaries without much thought. Such summarizing is not inherent in case method teaching; neither is that tendency toward sweeping generalization which marches hand in hand with the search for principle —an emphasis less on the facts of the case in hand than on the rule, and on rules ever wider. But in a number of casebooks this has proceeded to the point of striking the facts from many of the cases, to save space; whereas the one peculiar advantage of the case system lies in the concrete character of the material dealt with. On the other hand, one trend of casebook making at the present time, as at Yale and Columbia, tends to add to the statements of fact in the opinions a considerable body of other information about the layman's practises concerned therein, in order to facilitate both an understanding and an evaluation of the bearing of the case.

Another difficulty in the case system lies in the problem, even when the cases are severely edited, of presenting a sufficiently wide sampling of judicial behavior to lay a foundation for accurate prediction. Experiments to meet this need turn on the assumption that the vital aspect of the case system may prove to be an increased use of summaries of specific situations followed by statements of what the judges have done with them, with less stress laid upon the precise language of the original opinions.

The case system has proved itself an indispensable tool for teaching classes the technique of reading cases, and is unequaled as a means of bringing out the distinction between the actual decision and the passing dictum. It has proved its value also as a tool for teaching comparative analysis. The chief weaknesses of the method lie in its failure, if unsupplemented, to train the average student in the independent use of the library, or in synthesis which will be on a par with his analysis; and in its failure to deal adequately with that rapidly growing phase of our law, the statutes. Certain statutes, which either rest on case law, such as the uniform commercial acts, or have been very frequently construed, like the Bankruptcy Act, are dealt with effectively enough by the case method; but its net effect is underemphasis of legislative law. Finally, it will be observed that the emphasis of the case method is on teaching what the rules of law are, i.e. the formulae employed by courts in dealing with disputes, and how they may be known when seen. Where the cases are arranged historically it shows also something of what the law has been. It has no necessary concern with how the "rule of law" is to be used by the lawyer in his office (the translation of precepts into action), or with what the rule means to the people it purports to regulate, or with why the rule came to be what it is, or how to build an argument on any but a narrow point. Much case method teaching, therefore, never gets farther than the setting up of the "right" formulae. On the other hand, every one of the matters just mentioned lies close at hand in case method teaching, because of the constant presence of specific states of fact; and every one of them can be made part of the study by any instructor who is so inclined.

The effects of the method on the student's outlook depend wholly on the instructor's point of view. All that the method guarantees is higher skill than is attainable without it, whatever approach to legal matters may be inculcated. All present indications are, however, that the utility of the cases will be increasingly appreciated, and that the case method, in its essence, will stand more firmly than ever at the core of our legal education.

In recent years considerable attention has been attracted by applications of the case method to other fields. Sharply to be distinguished from the case system in law is the practise of social case work. A distinction must also be drawn between the case method in law and the case method as applied to sociology and economics, in that the latter has, up to the present, been largely a research technique rather than an educational device. On the other hand, the case method in medical study approximates that in law, with this distinction: in medicine, as in any social science in which inductive teaching is attempted, the "cases" presented are observers' descriptions; whereas in law the cases were originally, and still are prevailingly, the courts' own record of their own doings, and thus possess greater authority and at the same time less objectivity.

K. N. LLEWELLYN

See: LEGAL EDUCATION; CASE LAW; SOCIAL CASE WORK; RESEARCH; CASUISTRY.

Consult: Redlich, Josef, "The Common Law and the Case Method in American University Law Schools," in Carnegie Foundation for the Advancement of Teaching, *Bulletin*, no. 8 (New York 1914); "Papers and Discussion concerning the Redlich Report" in *American Law School Review*, vol. iv (1915–22) 91–113; Reed, A. Z., "Training for the Public Profession of the Law," in Carnegie Foundation for the Advancement of Teaching, *Bulletin*, no. 15 (New York 1921) ch. xxxi; Llewellyn, K. N., *Cases and Materials on the Law of Sales* (Chicago 1930) p. ix–xxi; see also bibliography in Harvard Law School Association, *The Centennial History of the Harvard Law School, 1817–1917* (Boston 1918) p. 365–72. For supplementary material see bibliography for article on LEGAL EDUCATION.

CASE WORK. *See* SOCIAL CASE WORK.

CASSATION, COURT OF. *See* APPEALS, JUDICIAL; COURTS.

CASSELL, ERNEST JOSEPH (1852–1921), English financier and philanthropist. Cassell was born at Cologne, the son of a Jewish banker. After learning the elements of banking with firms in Cologne, Liverpool and Paris, he obtained a position with the London financial house of Bischoffsheim and Goldschmidt. He became manager at the age of twenty-two and ten years later was made partner in the firm. Although this association continued for many years Cassell carried out a considerable number of his more important enterprises independently. He was regarded as one of the most influential and trustworthy men in the city circle of high finance and as a speculative expert rather than a speculative gambler. He introduced something of the German banker's practise of cooperating with industry, as for example when he undertook the application of the Thomas-Gilchrist smelting process to Swedish mines tapped by the railroad which he had financed, thus creating a profitable mining industry and increased revenues for the railroad. Cassell specialized in the financing of government loans and public utilities. The Swedish Central Railways, the Mexican Central Railway, the Electric Traction Company (London), the Central London Railway, the Irrigation Investment Company (which built the Nile dams at Assuan and Assiut) were all financed by him. He floated loans for Mexico (1893), China (1895), Uruguay (1896), Morocco (1906) and Turkey (1909). He also played a considerable role in building up the Vickers munitions companies. Many of his ventures were made in consultation with the British Foreign Office and he was given many public honors. In private life his interest in sport, his patronage of the arts, luxurious hospitality, impressive philanthropy and conversion to the Roman Catholic church reflect the common history of numerous brilliant and successful English bankers of German-Jewish extraction. He was one of an interesting company of men who did much to develop English industry at home and English trade and influence abroad.

W. H. DAWSON

CASTE. A caste may be defined as an endogamous and hereditary subdivision of an ethnic unit occupying a position of superior or inferior rank or social esteem in comparison with other such subdivisions. It resembles the clan in being a social unit within a larger political or cultural whole, and in being marriage regulating and therefore hereditary from the point of view of the individual. It differs from the clan in being endogamous, whereas the clan is exogamous and therefore necessarily unilateral as to descent; also in that the castes in their very nature are ranked or rated, whereas clans are essentially equivalent within the society which they constitute. The caste and the clan may be roughly described as horizontal and vertical divisions respectively of a population. Castes, therefore, are a special form of social classes, which in tendency at least are present in every society. Castes differ from social classes, however, in that they have emerged into social consciousness to the point that custom and law attempt their rigid and permanent separation from one another. Social classes are the generic soil from which caste systems have at various times and places independently grown up.

These systems have had an outward or analogous similarity but have often been without historical connection and have thus had no true homologous relation of structure. The similarities between most of the various caste systems of the world are therefore conceptual or psychologically founded, not genetic. It follows that no single factor or stable set of factors is to be looked for as the universal cause lying at the root of caste. Conquest, race differences, religion, economic developments, all have contributed, and in varying degrees, to the growth of the several caste systems. Nor are the phenomena of caste any more uniform. There are societies, like that of India, which are consciously and unresidually caste organized; in mediaeval Japan and Europe there were others in which caste organization was chiefly at the top or bottom; in modern Europe there are still other societies which are in principle casteless but have had injected into them a few de facto castes, such as Jews and gypsies, which remain more or less nonconformable to the general scheme of society.

It is in India that caste has had its completest development. Only there has it become an intricate system which has entwined all aspects of the civilization with which it was able to come into contact. Indian caste accordingly forms the most integrated as well as the most self-conscious system that has grown up anywhere: a pattern stamped on most parts of Indian civilization. In spite of this it seems to be less than three thousand years old. The *Vedas*, of 1000 B.C. and beyond, did not have it in a substantially developed form. By Buddha's time, around the fifth century B.C., it was already fairly prevalent; and the Greeks report it a few centuries later. Whether it is a further development of germs present in the little known native south Indian culture, or the result of clash of Aryan and Dravidian, is not known. According to Hindu theory, four castes were instituted at the beginning of things and are eternal: Brahman, Kshatriya, Vaishya and Shudra, or priests, nobles, cultivators and serfs. This dogma appears never to have been anything more than a scheme representing things as the Brahmans liked to systematize them. The same holds of the native theory that the multiplicity of castes originated from unlawful marriages between the four standard castes; this is merely a piece of ingenious logic. Actually the census of India records over eight hundred castes and subcastes, or nearly five thousand, counting minute or wholly localized ones. These include not only occupational groups but tribes, races, sects, in fact all populational bodies possessing any distinctive traits and group consciousness. The Parsees, fire worshipping Persian refugees, are treated as a caste; so are the Todas and many another primitive hill tribe; so are fishermen, scavengers, jewelers; so, in some districts, are Christian converts. Even self-sufficient groups whose racial or cultural origin is foreign and who are not intrinsically interested in constituting a caste are forced into the mold by Hindu opinion. And castes are still forming by fission. In two adjacent areas the members of the same caste may be forced by economic circumstances to follow somewhat different trades. If one of these trades should rank a little more honorably, two subcastes arise, one of which begins to look down on the other as a poor relation. As their status in the community moves slightly upward, they become socially proud and discountenance remarriage of widows, which caste custom has heretofore tolerated. The less successful section adheres to its old law, there are recriminations, and two new castes have been established. Again, a part of a group migrating or drifting into a new environment may find its occupation more or less lucrative and highly rated than formerly, and before long a new caste has arisen. Every new cult carries with it the potentiality of a new caste, as does every new conquest made by a population rather than by an army.

It is clear that the history of Indian caste is extremely complex and its causes manifold. Any attempt to explain the system on the basis of a single factor may therefore be attractive to those who like simple formulae, but is foredoomed to partiality and unsoundness. The most persistent of these attempts is the racial explanation of the origin of caste. It is true that one of the Hindu words for caste, *varna*, means color; but we, too, often use "color" in the sense of "kind." It is also true that anthropometric records show on the whole lighter skins and narrower noses for high castes. But the social ranking of the castes and their physical indices do not by any means agree uniformly, even in the same area; in south India, for example, the members of high castes are broader-nosed than those of the low castes in the north. While race consciousness may have given the first impetus to Indian caste, it is at present, and has been for a long time past, a much less potent factor than economic status.

Religion has deeply influenced Hindu caste, especially the old and almost universal tenets of immortality of the individual soul, rebirth according to a scheme of moral causality (karma) and earning of merit by restraint and conquest of the passions. Numbers of the higher castes are "twice born" as human beings; in a previous existence they belonged to a low caste. More duty is incumbent upon them because they represent greater merit. Hence they are subject to innumerable tabus affecting food, sexuality, cleanliness, conduct, from which the contaminated and contaminating lowly castes are exempt. A Brahman may eat only vegetable food prepared by another Brahman and must partake of it without being observed; the lowest castes eat anything, even beef and pork. Varying with her caste, a widow was burned, secluded, grudgingly permitted to remarry or wholly freed. A low caste man may not touch or even approach a Brahman; but he leads in general a far freer life. Worth, in caste as in personal conduct, is therefore spiritually earned and maintained by merit, in Hindu theory and partly in practise.

The Hindu does not feel caste a burden as the individualistic occidental might. To him it seems both natural and desirable, its deliberate breach unnatural, perverse and unforgivable. Whatever his caste, the Hindu is proud of it, as westerners are of their nationality. It gives him a sense of solidarity, and he does not seek to escape it. Of course, caste is as incompatible with full acceptance of the occidental economic system as it is interadapted with the native one. In the contact of the two idea-systems, caste will either be broken down or will keep India economically mediaeval or will hybridize into some new and unforeseeable cultural form.

How far the ancient Mediterranean world developed castes is a matter partly of definition, partly to be determined by further research. Egypt showed certain tendencies in the direction of caste; Mesopotamia seems to have been rather remarkably free from them. The Spartan division of the population into citizens, *περίοικοι*, helots and slaves, and the Roman into patricians, plebeians and slaves, merely approached a caste system: they were frankly based on wealth and land holding and, unlike Hindu castes, were of political importance. It is theoretically significant that the Roman system appears to have been founded on economic circumstances, the Spartan on conquest; and that most of Greece followed the latter only slightly or not at all.

During the Middle Ages there developed in Europe a quasi-caste system, with aristocratic rank and privileges, sumptuary laws, feudalism, and occupation guilds in control of much of industry. The classes, however, never crystallized into complete castes, and the final religious sanction was never obtained. In fact the spirit and tendency of the Catholic church were set in the opposite direction. Japan is often cited as a land of caste; this was true to perhaps the same degree as of mediaeval Europe. Sharp distinctions of hereditary rank, and elaborate formal expression of these, there certainly were; but occupational elaboration and integration with religion remained vague. Chinese society is essentially casteless. Officials, farmers, artisans, merchants, are theoretically ranked in that order, but actually a wealthy merchant outranks anyone but high officials. The absence of both warriors and priests from the scheme is notable. Descendants to the third generation of jailors, actors and prostitutes were ineligible to take examinations for office; but this provision had fairly recent parallels in Europe.

Among primitive people the idea of kinship is for the most part too potent socially to allow much room for caste-like growths. Even where royalty was elaborately divine, as in Polynesian Tonga, every king and noble had acknowledged kinsmen in all strata of society. Substantially the same situation existed in native Mexico and Peru, where the local commune of actual or reputed blood relatives remained the basis of society beneath the politico-military superstructure. Africa, especially in the east, shows some approaches to caste, presumably under indirect influences from higher civilizations; smiths are often a sort of needed but tolerated out-caste comparable to the Jews in mediaeval Europe; and in some districts pastoral Hamitic invaders like the Wa-huma have made themselves a noble caste among the native farming population. Somewhat reminiscent of caste is the division of the Arabian population into Bedouin and town dwellers, and of the native American Southwest into farming Pueblos and roving Navajo and Apache; these, however, are cases of culturally and politically independent units segregating along caste-like lines, not of subdivisions within one such unit.

A. L. KROEBER

See: SOCIETY; SOCIAL ORGANIZATION; STATUS; CLASS; CUSTOM; TRADITION; CONQUEST; RACE PREJUDICE; MOBILITY, SOCIAL.

Consult: Hopkins, E. W., *The Mutual Relations of the Four Castes according to the Manavadharmaçāstram* (Leipsic 1881); Fink, R., *Die sociale Gliederung im nordöstlichen Indien zu Buddhas Zeit* (Kiel 1897); Bhattacharya, J. N., *Hindu Castes and Sects* (Calcutta 1896); Ibbetson, D., *Panjab Castes* (Lahore 1916); Nesfield, J. C., *Brief View of the Caste System of the North-West Provinces and Oudh* (Allahabad 1885); Bouglé, C., *Essais sur le régime des castes* (Paris 1908); Risley, H. H., "Caste in Relation to Marriage" in his *The Tribes and Castes of Bengal* (Ethnographic Glossary), 2 vols. (Calcutta 1892) vol. i, p. i–xciii, and

The People of India (2nd ed. Calcutta 1915); Sénart, E., *Les castes dans l'Inde* (2nd ed. Paris 1927), tr. by E. D. Ross (London 1930); Russell, R. V., "Introductory Essay on Caste" in his *The Tribes and Castes of the Central Provinces of India*, 4 vols. (London 1916) vol. i, p. 3–197; Narasu, P. L., *A Study of Caste* (Madras 1922); Ghurye, G. S., "The Ethnic Theory of Caste" in *Man in India*, vol. iv (1924) 209–71; Datta, B., "Das indische Kastensystem" in *Anthropos*, vol. xxii (1927) 142–59; Chattopadhyay, K., "The Origin of Caste" in *Visva-Bharati Quarterly*, vol. ii (1924–25) 347–58, gives a summary of the theories that have been advanced.

CASTELAR Y RIPOLL, EMILIO (1832–99), Spanish statesman, journalist and historian. Castelar obtained his doctor's degree in 1853 in the faculty of philosophy at the University of Madrid. The following year he distinguished himself by a brilliant oratorical defense of the liberties of the individual. This led to his appointment to the staff of *El tribuno*, and he served on various journals until 1863, when he founded his own organ, *La democracia*. His work as a journalist was as effective as his masterly eloquence in educating the Spanish people in the principles of constitutional government. In 1856 he was appointed to the chair of history in the University of Madrid, where his lectures drew large audiences. The educated bourgeoisie were enthusiastic about this man who, in a period of decadent politics, discussed the burning political questions of the day eloquently and beautifully, elevating them to the plane of general principles and interests. His antimonarchist activities resulted in 1865 in the suppression of his paper and the loss of his chair. The following year he fled to Paris to escape execution for complicity in republican plots. He returned to Spain during the revolution of 1868 and became leader of the individualist republican group, whose program he had presented in the columns of his paper and in his *Fórmula del progreso* (Madrid 1867). Rather than split the republican ranks he cooperated for a time with Pi y Margall and his socialist and federalist republicans. But after the republic was established by the National Assembly in 1873 the constant disorder and the overthrow of two presidents in a few months influenced Castelar, as the third president, to break with the federalists and to use a reorganized army to restore order. This action, coupled with conservative tendencies which had been strengthened by the exercise of power, caused him to lose the support of the more radical republicans but permitted him, after the restoration, to be the respected and respectful adversary of the crown. He retired from active political life in 1893, still believing in a republic as the ideal form of government but opposing its introduction by violence. Castelar and Pi y Margall are the most representative figures in the history of the republican party in Spain.

Castelar was endowed with a powerful imagination but rebelled against any severe mental discipline. He divided his activities as a writer between history and literature but left no work worthy of his ability in either field. His historical writings are, more strictly, brilliant literary works. He showed a very marked tendency to judge the personalities and events of the past according to his own ideals fashioned from the individualistic and democratic principles of the French Revolution.

José Antonio Rubio

Important works: *El ocaso de la libertad* (Madrid 1877); *Discursos parlamentarios y políticos en la restauración* (Madrid 1885).

Consult: Cañameque, Francisco, *Los oradores del '69* (Madrid 1887); Perez Galdós, Benito, "Política española" in his *Obras inéditas*, vols. i–viii (Madrid 1923–26) vols. iii–iv.

CASTELLIO, SÉBASTIEN (1515–63), Swiss Protestant theologian and freethinker. Castellio, who early evidenced a passion for knowledge, worked as a tutor in a noble family in order to pursue his studies at Collège de la Trinité, Lyons. At twenty-five he met Calvin in Strasbourg and on his recommendation became in 1541 principal of the Collège de Genève, a center of Greek learning and study of the Scriptures. His first work, the *Dialogi sacri* (Lyons 1540), was a series of vivid scenes out of the Bible, a manual for schoolboys which went through many editions and was translated into many languages. Castellio was profoundly interested in classical antiquity and thought of Christ as a moral teacher. His evangelical humanism made of him an antagonist of Calvinist orthodoxy and an advocate of tolerance. In 1544 he came into open collision with Calvin when he interpreted the *Song of Solomon* as an ancient love poem rather than as a revelation of the true relation between Christ and the church and demanded its exclusion from Holy Scripture. Likewise he denied that Christ's descent into hell was a punishment and disagreed with Calvin's theory of predestination. He removed to Basel, where after some years of poverty he became professor of Greek literature at the university. His *Biblia sacra latina* (Basel 1551), an annotated translation, was his largest work, but his most famous was the *De haereticis an sint persequendi . . . doctorum virorum sententiae* (Magdeburg 1554), which was immediately translated into French. Here Castellio set forth his reasons for opposing the persecution of Servetus, arguing that the burning of heretics was in the spirit neither of Christ nor of reform. The preface, bearing the pseudonym "Martinus Bellius," is one of the mother documents on freedom of conscience. In *Contra libellum Calvini* (n.p., *c.* 1554) he answered the reformer's reply. In an unpublished work, *De arte dubitandi et confidenti et sciendi et ignorandi*, Castellio as a precursor of Descartes made a plea for the use of intelligence even in matters of revelation.

W. KÖHLER

Consult: Buisson, F., *Sébastien Castellion, sa vie et son oeuvre*, 2 vols. (Paris 1892); Jones, R. M., *Spiritual Reformers in the 16th and 17th Centuries* (London 1914).

CASTILLA, RAMÓN (1797–1867), Peruvian politician and soldier. Castilla served in various important military and political offices and became known as a man of strong character and energetic action. In 1844 he led a successful revolution against the dictator Vivanco, was elected president of Peru the following year and for twenty years thereafter exercised a preponderant influence in the country. During his first administration (1845–51) public instruction was improved, the army reduced and reorganized, the navy enlarged, the first telegraph lines were installed (1847), a railroad was constructed (1851), a budget system introduced, the public debt consolidated and in part refunded (1848), the exploitation of guano reorganized and that of nitrate begun, immigration and colonization were subsidized and, in administration, law was observed and men were employed irrespective of party affiliation. In 1854 Castilla took over and led to success the liberal revolution which had broken out against his successor Echenique and again took office as president in 1855. This revolution was accompanied by two important social reforms—the abolition of the personal tribute paid by the Indians since colonial times and the compensated emancipation of Negro slaves. During his second administration (1855–62) anarchy, party strife and attempts at assassination caused Castilla to rule with an iron hand. As a liberal he forced the novel and radical constitution of 1856 and as a conservative he brought about the adoption of the constitution of 1860 which was moderately conservative and modeled after that of the United States. It recognized the Roman Catholic religion as the state religion, restored ample power to the president, but retained the right of association. This constitution remained the fundamental law of the land until 1920.

W. W. PIERSON, JR.

Consult: Dávalos y Lissón, Pedro, *La primera centuria* (Lima 1926) ch. iv, p. 5–142; Stuart, G. H., *The Governmental System of Peru* (Washington 1925) p. 13–18; Wiesse, Carlos, *Historia del Peru—La república* (2nd ed. Lima 1926) p. 50–71.

CASTLEREAGH, ROBERT STEWART, VISCOUNT, SECOND MARQUIS OF LONDONDERRY (1769–1822), British statesman. Castlereagh, who was born in Ulster, Ireland, was elected to the Irish House of Commons in 1790 and became chief secretary for Ireland in 1798. He suppressed the Irish rebellion of that year and was instrumental in bringing about the parliamentary union of Ireland with England. In 1800 he entered the British House of Commons. Castlereagh's chief contribution to history was made during his tenure of the British Foreign Office during the years 1812 to 1822. The last European coalition which finally brought about Napoleon's downfall was largely his work, and no other man had a greater influence on the reconstruction of Europe and on the scheme of a European alliance. In reconstruction his main object was to produce a "just equilibrium" in Europe. For this purpose he wished France reduced to her old frontiers and Russia kept east of the Vistula. He succeeded in his first object and indeed had to repress the desire of the allies for a vindictive peace in 1815. In his second object he failed, but by building up Prussia and bringing her to the Rhine and by encouraging Austrian influence in Italy he made a central Europe strong enough to preserve the balance against the two other powers. The European Alliance, too, was mainly his creation. This idea, born in the Third Coalition, was in its origin a guaranty of Europe against France by the four Great Powers, which promised mutual aid to one another. At Vienna Castlereagh even considered extending this guaranty to all Europe, including the Turkish dominions. Subsequently, however, he preferred the system of diplomacy by conference to settle all questions disturbing the peace of Europe.

In contrast to Alexander, whose own expedient, the "Holy Alliance," was purely moral, and to Metternich, who wished to use the alliance to repress the revolutions which broke out in Italy in 1820 and 1821, Castlereagh had always denied the right of the European Alliance to intervene in the internal affairs of other countries. He protested, at first secretly and then openly, against this misuse of power at the conferences of Troppau (1820) and Laibach (1821). After the outbreak of the Greek revolution he agreed to attend another conference where he hoped to settle by round table diplomacy the threatening Russo-Turkish and Franco-Spanish disputes as well as the problem of the Spanish colonies. His suicide in a fit of insanity resulting from overstrain immediately before the Congress of Verona (1822) caused the failure of these plans. The idea of diplomacy by conference was never understood by public opinion in Castlereagh's day and was associated with the repressive use which Alexander and Metternich made of it. It was, however, the only attempt to form a permanent diplomatic conference of the Great Powers previous to 1919.

CHARLES K. WEBSTER

Consult: Webster, C. K., *The Foreign Policy of Castlereagh, 1812–1815* (London 1931), and *The Foreign Policy of Castlereagh*, 1815–1822 (London 1925); *The Cambridge History of British Foreign Policy, 1783–1919*, 3 vols. (Cambridge, Eng. 1922–23) vol. i, ch. iv, vol. ii, ch. 1; Phillips, W. A., *The Confederation of Europe* (2nd ed. London 1920); Salisbury, Marquess of, *Essays; Biographical* (London 1905) p. 1–69.

CASTRO, CIPRIANO (1861–1924), dictator president of Venezuela from 1899 to 1908. He spent his early years in the cattle industry and for a brief time served in the national congress. He took possession of the government in 1899 by an armed revolt, and because of his shrewdness and daring became known as the "Lion of the Andes." He was vain and uneducated, and in his domination of the courts, congress and state governments somewhat corrupt and wholly despotic. Yet his regime was not without benefit to Venezuela. He developed its resources, promoted internal improvements such as roads, parks, public buildings and a telegraph system, had legal codes promulgated and encouraged education. But he became notorious because of his relations with foreign countries. He dreamed of founding a great nation composed of Venezuela, Colombia and Ecuador, of reviving the old unity of the days of Bolivar. To realize this ambition he encouraged the liberal party of Colombia in its revolt which resulted in straining relations with that country from 1901 to 1905. Of much greater international notoriety, however, were his difficulties with European powers arising from the repudiation of Venezuela's public debt and the unwillingness to recognize the claims of foreigners for injuries to their persons and property. As a result England, Germany and Italy blockaded Venezuelan ports from December, 1902, to February, 1903. It was this situation which led to the enunciation of the Drago Doctrine and the Roosevelt corollary to the Monroe Doctrine. Castro's defiance contributed greatly to his reputation in Spanish America as a defender of the weak. In the years following the settlement of the Venezuelan affair by The Hague Tribunal he embroiled himself with Belgium, Holland, France and the United States. But when Castro was compelled in 1908 to go to Europe for medical treatment, Juan Vicente Gomez took advantage of his absence to consolidate his own power. The "Lion of the Andes" was never able to return to his native land.

J. FRED RIPPY

Consult: *Viaje del general Cipriano Castro*, compiled by R. Tello Mendoza (Caracas 1905); *Documentos del general Cipriano Castro* (Caracas 1903); Hernández, José Manuel, *Ante la historia* (Philadelphia 1904); Bowen, Herbert W., *Recollections Diplomatic and Undiplomatic* (New York 1926) chs. xxiii and xxiv; "Venezuelan Arbitrations of 1903" in United States Senate, 58th Cong., 2nd Sess., *Senate Documents*, no. 316; "Correspondence relating to Wrongs Done to American Citizens by the Government of Venezuela" in United States Senate, 60th Cong., 1st Sess., *Senate Documents*, no. 413; "Venezuela" in Great Britain, Foreign Office, *British and Foreign State Papers*, vol. xcv (1901–02) and vol. xcvi (1902–03); Rippy, J. Fred, *Latin America in World Politics* (New York 1928).

CASTRO, JUAN DE (dates of birth and death unknown), Spanish economist of the late seventeenth century. Castro expounded notably rigid and consistent mercantilist doctrines in his *Memoriales para el entero conocimiento de la causa, que destruye, y acaba la monarquia de España* (Madrid 1669?). Likening treasure to the "blood of Spain," he repeatedly identified it with wealth and exhorted his compatriots to correct the unfavorable balance of trade, which was carrying Spain's gold and silver to foreign lands, impoverishing the former and enriching the latter. Where mercantilists of other countries sought the accumulation of specie through a highly favorable balance of trade, Castro's desideratum was the retention of the

Mexican and Peruvian treasure of Spain by balancing the trade with England, France, Holland and the Italian city-states. His program consisted of supplying the home market and the colonies with Spanish manufactures, excluding foreigners from trade with the Hispanic colonies, carrying Spanish goods in Spanish ships, building a strong navy and maintaining a large army, restricting the importation of manufactures and the exportation of raw materials and increasing the population. Castro's *Memoriales* and miscellaneous pamphlets on the American slave trade abound in numerical data, which, for lack of better information, are occasionally useful to critical scholars.

EARL J. HAMILTON

Consult: Colmeiro, Manuel, *Biblioteca de economistas españoles* (new ed. Madrid 1880) p. 71; Sempere y Guarinos, Juan, *Biblioteca española económico-política*, 4 vols. (Madrid 1801–21) vol. iii, p. 291–312.

CASUAL LABOR is that which is hired for short periods, more or less indiscriminately. It is to be differentiated from labor, skilled or unskilled, which is selectively chosen with a degree of certainty to fill the needs of seasonal industries. Examples of such seasonal labor are the skilled workers in the building industry, who may work irregularly on short jobs and possibly for a number of different employers during the year, as well as a large proportion of the semi-skilled operatives in the garment industries. Around these seasonal industries, however, may develop large reserves of casual, semi-skilled or unskilled labor hired at the peak and discharged in the slack season with no assurance of reemployment. The proportional distribution of these seasonal and casual workers is largely a matter of the economic organization of the industry and of the workers. All migratory labor on construction camps and in the harvesting of crops is in reality casual labor but it presents such a vast number of special problems that the term "casual labor" is usually narrowed to include only non-migratory types. This type is best illustrated by the wharf and dock labor of loading and unloading ships.

The existence of large classes of casual labor had its origin in the rise of capitalistic production for the market by large numbers of individual producers. It assumed serious proportions when the railroad and the steamship made the market world wide; by the aid of mass production and the subsequent rapid technological development thus made feasible a situation was created in which each concern experienced vicissitudes of business fortune independently of concerns in other industries and even in large measure independently of other concerns in the same industry. It is to this complex market situation that we must turn in seeking the fundamental causes of the system of casual labor.

Each firm, being subject to its own independent fluctuations in demand, seeks to keep subject to engagement sufficient labor to enable it to handle its peak loads. The time of incidence of these peak loads is imperfectly predictable. Their recurrence may or may not be regular and may or may not coincide with recurrence in other enterprises, even in the same line of business. In such a situation reserves or pools, especially of the unskilled or semi-skilled labor, tend to accumulate. These reserves can be completely employed only in the rare event that the peak loads of all the firms occur simultaneously. The result is a permanent group of underemployed laborers, no one of whom is out of work continuously but all of whom are employed only a part of the time.

While practically all industries have these fringes of casuals their presence is a serious problem only in those industries where, due to exigencies of weather and season, to whimsical style preferences of consumers or to other uncertainties arising out of the complexities of modern production and distribution, the individual producer's demand for labor is subject to especially wide and unpredictable fluctuations. In this category fall the marine and longshore industry; many lines of agricultural industry, especially where there has been little diversification of crops; the canning industry; logging and lumbering and the building trades. Certain other industries, notably the needle trades, seem to be coming into this class.

These casuals, it should be noted, are not to be confused with those who are unemployable or whose work is superfluous. They are employable and are intermittently needed. They make up a labor reserve the members of which are called upon often enough to prevent them from emigrating, but not often enough, as a rule, to enable them to make a decent living. The demoralizing effects of a life of casual labor are obvious. Earnings are irregular, uncertain and generally inadequate to provide a decent livelihood for a family, in fact often insufficient to provide a living for the single laborer. Equally sinister from a social point of view are the character and results of the mode of life imposed on the casual laborer. Irregular work and earnings breed shiftlessness and physical deterioration, and these tend inexorably to reduce the casual to an unemployable, who in turn becomes a charge upon the state. The casuals of our large cities may, so far as earnings permit, establish settled homes of a sort. For the migratory farm laborer and the lumberjack normal family life and a definite relation to the community are impossible. The system of transplanting families, as in the canning and berry picking industries in the United States and in migratory harvesting or sheep shearing elsewhere, raises its own problems of child welfare and of family disorganization.

Such conditions breed discontent, which for the most part, however, has been inarticulate and unorganized. The very nature of the evil makes any organization of opinion or of the workers most difficult. They have no stake in any particular industry and the conservative trade union methods of constitutional, parliamentary procedure could scarcely be expected to appeal to them. With the exception of the longshoremen and the building trades laborers most of these groups, both in the United States and abroad, are unorganized. In Great Britain the great dock strike of 1889 under the direction of leaders representing "new unionism" was a step forward in this direction. The garment industries, prior to their unionization in both Great Britain and the United States, had a far greater fringe of casual workers. The Australian Workers' Union has been singularly successful in organizing labor in agriculture and sheep shearing. But where the casual groups wander from industry to industry even militant industrial unionism cannot succeed, and for many casual groups almost the only outlet for discontent has been through the "one big union" type of organization, either under that name in Canada or under the banner of the I. W. W. in the United States. The I. W. W. finds in the unskilled casual laborer a ready subscriber to its radicalism and its attack upon the conventional union. The results in the way of permanent organization by such groups have been negligible. The I. W. W., however, more than any other organization has succeeded in so dramatizing the casual laborer as to galvanize more powerful trade union and public agencies into remedial action.

Current developments in some industries are tending toward the partial elimination of casual labor. Increasing mechanization of the processes on which casual labor has been employed reduces the number of casuals employed. The notable achievements of some employers in the regularization of their business operations and the introduction of crop diversification by farming groups have had a like effect. Larger experiments for individual industries have been carried on, notably in the garment industries and in the waterfront occupations. In the garment industries centralized employment agencies under the direction of the union, or often under joint management operated in connection with an unemployment insurance scheme, have done much to reduce the number of casuals and to prevent the influx of new recruits who would swell the ranks of the casuals, and have in some cases even reduced the degree of seasonality. In Great Britain joint endeavors on the waterfronts of Liverpool and London have resulted in reducing the proportion of casual dock workers from 80 to 20 percent. A more limited scheme in the United States was begun on the Seattle waterfront in 1920 and has shown some promising results. The essential features of these schemes have been the establishment of a centralized pool of reserve labor and centralized employment exchanges for the entire industry, with registration, classification and an agreed scheme of priority of employment. There would still remain the necessity of a service as between industries of a given locality or for an industry of nation wide scope, such as agriculture.

PAUL F. BRISSENDEN

See: LABOR; MIGRATORY LABOR; LABOR TURNOVER; UNEMPLOYMENT; EMPLOYMENT EXCHANGES; TRADE UNIONS; VAGRANCY.

Consult: Beveridge, W. H., *Unemployment* (3rd ed. London 1912) ch. v; Brissenden, P. F., "Under-Employment" in Conference on Unemployment, *Business Cycles and Unemployment* (New York 1923) ch. v; Atkins, W. E., and Lasswell, H. D., *Labor Attitudes and Problems* (New York 1924) ch. v; Feldman, Herman, *The Regularization of Employment* (New York 1925) chs. xiii and xiv; Speek, P. A., "The Psychology of Floating Workers" in American Academy of Political and Social Science, *Annals*, vol. lxix (1917) 72–78; Parker, C. H., *The Casual Laborer* (New York 1920) ch. ii; Anderson, Nels, *The Hobo: the Sociology of the Homeless Man* (Chicago 1923) chs. viii, xi–xiii, xvi; Lescohier, D. D., *The Labor Market* (New York 1919) p. 251–306; Lascelles, E. C. P., and Bullock, S. S., *Dock Labour and Decasualisation* (London 1924); Joint Executive Committee of Longshoremen and Truckers and Waterfront Employers, "Decasualizing the 'Beach' at Seattle" in the *Survey*, vol. xlix (1922) 96–97; Howd, C. R., *Industrial Relations in the West Coast Lumber Industry*, United States, Bureau of Labor Statistics, Bulletin no. 349 (Washington 1924) ch. vi; United States, Commission on Industrial Relations, "Industrial Relations: Final Report and Testimony . . . " in United States Senate, 64th Cong., 1st Sess., *Senate Documents*, vol. i, no. 415; Conference on Unemployment, *Seasonal Operation in the Construction Industries* (New York 1924).

CASUALTY INSURANCE. Casualty insurance, the youngest of the three major branches of insurance, comprises a great variety of coverages and is concerned with a wide range of hazards. It includes coverages for the risks not assumed by life or fire and marine insurance. The causes underlying losses covered by this form of insurance are not only greatly varied but are constantly influenced by changing economic conditions, developments in industry, new inventions, changing laws and many other factors. This situation, together with the newness of casualty insurance and its rapid growth, tends to complicate the business and render it somewhat unsettled as compared with the older classes of insurance.

Casualty insurance may be defined as that form of insurance which provides indemnity (1) for losses arising out of the legal liability of the insured for damage to the person or property of others and (2) for certain losses arising out of loss or damage to the person or property of the insured. It is to be observed that suretyship, which is often confused with this branch of insurance due to the fact that a large number of casualty insurance companies write fidelity and surety bonds, is not, properly speaking, a form of casualty insurance.

Casualty insurance is of comparatively recent development; it was virtually unknown before the second half of the nineteenth century. While certain casualty lines appeared first on the continent, casualty insurance as a whole is better developed and gives promise of more rapid growth in the United States. The accompanying table taken from *Casualty Insurance Principles* by G. F. Michelbacher and associates (p. 12–13) enumerates the forms of casualty coverage and gives for each of them the date when it was first written in the United States. The table illustrates the variety of casualty lines and the youthfulness of casualty insurance as compared with the other major branches of insurance.

Liability insurance was at first confined to coverage of the liability of employers for injuries to their workers. This form of protection, known as employers' liability insurance, originated in England following the enactment of the Employers' Liability Act of 1880. Similar legislation

LIABILITY INSURANCE

Accountants	1923
Airplane	1919
Automobile (personal injury)	1898
Automobile property	1901
Contingent	1900
Contractors, public	1886
Contractual	1900
Druggists	1910
Elevator	1891
Employers	1886
General property damage	1920
Manufacturers, public	1892
Owners, landlords and tenants	1894
Physicians, surgeons, hospitals, dentists	1890–1900
Product	1910
Residence and farm	1900
Sports	1915
Teams	1896
Theater	1918

BURGLARY, THEFT AND ROBBERY INSURANCE

Bank burglary	1892
Bank robbery	1919
Holdup	1898
Interior robbery	1914
Mercantile open stock	1885
Mercantile safe	1892
Messenger robbery	1898
Payroll robbery	1914
Residence	1885
Safety deposit box	1914
Theft	1899

ACCIDENT AND HEALTH INSURANCE

Accident (personal, covering general accidents)	1864
Automobile accident	1922
Deferred payment accident	1925
Group accident	1890
Health	1847
Industrial accident	1891
Railroad instalment accident and sickness	1872
Railway ticket (covering railway accidents)	1850

MISCELLANEOUS

Airplane property damage	1919
Automobile collision	1899
Credit	1898
Electrical and machinery	1920
Electric current interruption	1927
Engine breakage	1919
Flywheel	1901
Forgery	1918
Livestock	1828
Merchants' protective	1927
Plate glass	1867
Steam boiler	1867
Steam turbine	1900–1913
Sprinkler leakage	1890
Title	1876
Use and occupancy	1906
Workmen's collective	1896
Workmen's compensation	1910
Water damage	1904

enacted in the United States was promptly followed by a demand for employers' liability insurance in this country.

Public liability insurance was originally written in conjunction with employers' liability, and the additional coverage was probably embodied in endorsements attached to employers' liability insurance policies. The first public liability coverage provided insurance for manufacturers and other employers of labor against their liability for personal injury or death caused to members of the public by reason of the employers' various operations. But additional forms were soon developed. By 1900 public liability insurance was available not only to employers but also to physicians, surgeons, dentists, owners and operators of elevators, owners and tenants of buildings and contractors or others liable for injuries resulting from their operations, including the use of teams. Of the forms of public liability insurance other than automobile, which comprise the so-called miscellaneous public liability lines, the most important is owners', landlords' and tenants' public liability. The coverages provided under manufacturers' and contractors' public liability rank next. So far as the volume of business is concerned the malpractise liability lines, applying to physicians, surgeons, hospitals, dentists and druggists, have remained comparatively unimportant. With the introduction of motor vehicles and tremendous increase in their use the volume of automobile public liability insurance has grown very rapidly. Between the years 1923 and 1929 this business increased 130 percent in the United States.

The earliest distinctive form of property damage liability insurance covered liability for damage to property caused by the operation of automobiles, and during the first two decades of the twentieth century there was comparatively slight demand for other forms of property damage liability insurance. Moreover, the early development of this business, as applied to risks of a general nature, was also restricted by statutory limitations. These limitations were, however, gradually removed, permitting the extension of property damage liability insurance into new fields. Thus in New York it was not until 1922 that the law was amended definitely to permit insurance carriers to write this form of insurance.

Burglary, theft and robbery insurance had its origin in England. In the year 1787 the first recorded attempt was made to establish a company to provide insurance against risks in this field. This attempt as well as other plans for organizing companies during the century which followed was apparently unsuccessful. These coverages were introduced successfully by a company of Glasgow, Scotland, and it was not until 1889 that any appreciable amount of this business was written. The earliest forms of burglary insurance written in the United States were the residence and mercantile open stock forms which appeared in 1885. Bank burglary and mercantile safe coverage were offered in 1892 by the Fidelity and Casualty Company of New York, which for a number of years was practically the only company transacting this business. By 1900, however, several other companies had become actively interested in writing this business. This class of insurance, once introduced, was gradually extended to cover related hazards such as theft, larceny and robbery. Moral hazard is one of the most important factors which enter into the writing of all burglary lines, especially residence burglary, theft and larceny insurance, where this element is regarded by some carriers as constituting as high as 90 percent of the underwriting considerations involved. Moral hazard is also present in mercantile open stock burglary insurance because of the opportunities for fraudulent or fraudulently inflated claims.

Health and personal accident insurance were among the earliest casualty lines written. This business has been handled largely by life insurance companies, but the casualty companies are assuming a prominent position in the field.

Of those casualty lines which are available to employers to indemnify them for damages caused by accidents to their physical plants, steam boiler insurance is undoubtedly the oldest. This is the branch of casualty insurance which deals with the hazards of power producing mechanisms. About 1854 an association was organized in England for the prevention by frequent inspection of steam boiler explosions. While this association did not engage in the business of insurance it was absorbed a few years later by a company organized for the purpose of insuring these risks. In 1866 there was formed in Hartford, Connecticut, the first American company which undertook to meet the need for insurance protection against the risk of the destruction of life and property by the explosion of steam boilers. As an important accompaniment of the insurance protection to be provided an inspection service was guaranteed. In 1867 this pioneer company began writing policies and inspecting boilers, thus launching a new form of insurance coverage in this country. Other companies soon entered the field and adopted the methods of accident prevention inaugurated by the original company. With the development of sources of motive energy other than steam the methods of boiler insurance have been extended to the underwriting of a variety of machinery hazards. The policies issued indemnify for direct property damage and by endorsement covers may also be granted for indirect losses such as the impossibility of operating the plant at full capacity, inability to fill orders on time or deterioration of materials. Perhaps the greatest service rendered by insurance companies in this field is the establishment of standards of safety and their enforcement by frequent and skilful inspection. Insurance carriers spend three or four times as much for the prevention of boiler explosions as for the payment of losses.

Plate glass insurance originated at practically the same time as power plant insurance. In this line the insurance policy is virtually a contract for the prompt replacement of broken glass, and the rates charged are therefore bound to fluctuate with the changes in the price of glass. A comparatively recent line of plate glass insurance which has shown rapid development is the coverage for automobile glass.

From the point of view of premium volume the automobile casualty lines—public and property damage liability and collision insurance—are the most important; workmen's compensation insurance ranks second and accident and health insurance third.

While insurance is primarily a device for the accumulation of premiums from all those who are exposed to a hazard and for the distribution of the funds so collected to those who suffer as a result of that hazard, in the field of casualty insurance there is a marked tendency toward the development of accident prevention as an integral part of insurance. One of the earliest applications of the principles of accident prevention was in connection with boiler insurance, but this preventive work has been progressively developed in connection with other casualty lines. At present casualty companies have undertaken through cooperative action important projects designed to reduce accidents and thus effect a saving of life and limb. For some casualty lines the cost of prevention work appears as an important factor in rate making.

In rate making the charge is developed in two parts, the so-called pure premium, representing loss cost, and the expense loading to provide the necessary expenses of the transaction. For the purpose of establishing the rates which appear in the manuals risks are divided into broad groups or classifications on the basis of similarity of hazard, the same manual rate being assigned to all risks within each group. This procedure would be entirely satisfactory if all risks within the group were exactly similar. As this, however, is not the case, systems of merit rating have been devised for application to the individual risk, to measure the extent to which the particular risk varies from the average of its class and to reflect this variation in the rate for the risk.

In the early stages of the development of the business of casualty insurance it was necessary to rely chiefly upon judgment for the establishment of rates applicable to the various forms of coverage. With the growth of the business, however, experience accumulated and became available for use as a basis in rate making. Since the experience of no one company is in general broad enough for accurate rate making, the pooling of the experience of all carriers is necessary for the making of equitable rates. The casualty insurance carriers early recognized this need and formed organizations to give attention to the problems in each field as soon as the volume of business had reached any appreciable size.

Through these cooperative efforts of the companies it has been possible to introduce and apply with increasing effectiveness the principles of actuarial science in the making of rates for casualty insurance. Due to the volume and the characteristics of workmen's compensation insurance it has been possible to introduce greater refinement and accuracy in the rate making for this line than for the other forms of casualty insurance. If all forms of insurance are considered, workmen's compensation may be said to rank next to life as regards the extent of the application of the principles of actuarial science.

Like other insurance carriers casualty companies are subject to a certain measure of regulation by the state. In the United States the insurance departments of the several states are at liberty to examine the books of the companies and to require the submission of reports in order to determine that the companies are solvent and responsible, investing their funds as required by law, maintaining necessary reserves and otherwise complying with the laws of the states in the conduct of their business. The great tasks of casualty regulation are to assist the companies in bringing about greater standardization in the business generally, to promote the sound development of the companies and otherwise to protect the interest of the public. Casualty regulation is also distinguished from the regulation of other forms of insurance by the greater freedom allowed to the companies in their investment policies and the greater caution required in the establishment and maintenance of proper reserves.

JAMES A. BEHA

See: INSURANCE; COMPENSATION AND LIABILITY INSURANCE; AUTOMOBILE INSURANCE; AVIATION, section iii; HEALTH INSURANCE; CREDIT INSURANCE.

Consult: Michelbacher, G. F., and associates, *Casualty Insurance Principles* (New York 1930); Kulp, C. A., *Casualty Insurance* (New York 1928); Cornelius, Martin P., *Third Party Insurance* (Chicago 1920); Mowbray, Albert H., *Insurance, Its Theory and Practice in the United States* (New York 1930) chs. viii, ix, xi, xii, xiii and xv; Michelbacher, G. F., and Carr, L. H., "Burglary, Theft and Robbery Insurance" in Casualty Actuarial Society, *Proceedings*, vol. xi (1924–25) pt. i, p. 33–98; Michelbacher, G. F., *Miscellaneous Public Liability and Property Damage Liability Insurance in the United States* (New York 1926). For the development of casualty insurance in foreign countries, see articles on the separate casualty lines in *Versicherungs-Lexikon*, ed. by A. Manes (3rd ed. Berlin 1930).

CASUISTRY. The word casuistry is commonly used in two senses. In the first place it may mean simply the development of moral principles through their application to special cases. In the second place it may mean applied morality which has for its purpose the justification of questionable activities and which proceeds by discovering subtle and hypocritical exceptions to general rules of conduct. That there is usually no distinction drawn between these two uses of the word is a consequence of the common belief that morality is incapable of rational treatment, being either a matter of individual taste or a subject upon which some authority, either God or conscience, has given us the last word, and upon which further discussion is therefore useless and dangerous.

In its primary sense, as the particularization of moral rules, casuistry is the natural culmination of ethics. Although treating of the application of ethical judgment to individual cases, it deals also with general or universal propositions, and such judgments can be distinguished from those of general ethics only by a comparative narrowness of scope. Thus the proposition that lying is bad would be regarded as ethical, and the proposition that lying to save a friend's life is good would be regarded as part of casuistry. Casuistry, then, stands in the same relation to ethics or moral philosophy as astronomy does to physics. In the absence of an adequate general doctrine of ethics it must naturally find itself more akin to pre-Ptolemaic astrology than to modern astronomy. To this internal dependence upon a discipline which has scarcely emerged from the pre-scientific stage, one may attribute a good deal of the dishonor into which the word casuistry has today fallen.

Casuistry has usually flourished at times when a generally accepted system of ethics has demanded development along new lines because of changing economic, political or intellectual conditions. In the West casuistry has operated particularly upon the transplanted stoic morality during the early Roman Empire, upon the ethical code of the Pentateuch in the Talmudic and post-Talmudic explication of the exiled Jews and upon the received Christian morality during the period when the agricultural organization of European society was breaking down. In the *Summae casuum conscientiae* (Casebooks of conscience), written from the thirteenth to the seventeenth centuries and meant especially for use in the confessional, the process of particularization in ethical doctrine was carried to an extreme point. Since Kant, however, there has been a strong tendency, outside of the Catholic church, to restrict academic inquiries in morality to a more general and abstract plane.

Close analogues of these casuistical processes are to be found in the development of Roman law, which from the fifth century B.C. to the sixth century A.D. was considered to be essentially an interpretation of the Twelve Tables—and as well in the judicial development of American constitutional law. Such decisions as those ruling that the "due process" clause of the constitution forbids the legislative limitation of working hours for bakers to ten per day but does not forbid the limitations of the miner's working day to eight hours suggest that there is nothing peculiarly mediaeval, religious or scholastic in the difficulties and concomitant dangers of casuistry.

Today a growing appreciation of the dependence of ethical values upon factual conditions and a general disregard for the element of value which cannot be stated in terms of existence have relegated modern casuistry to an unavowed place in the literature of the social sciences. Except for the fact that ethical discussion is nominally disavowed, psychologists who tell us how we ought to bring up our children, economists who tell us how we ought to adjust the currents of distribution, political scientists who describe our duties to the state and jurists who tell us how people and, in particular, how judges ought to act, are all continuing a discipline which is coeval with man's command over rational method and interest in conduct.

The methodology of casuistry has commended itself to modern law teachers and sociologists as in other centuries to the Jesuits and Talmudists, because of the ease with which concrete problems are assimilated and vitalized in the student's experience. The difficulties of casuistry on this plane are, in a measure, the difficulties of all scientific method. On the one hand, those who have looked upon the decision of particular cases as a merely mechanical application of general principles have run into (or illicitly evaded) the logical difficulty that particular conclusions cannot be derived from purely general premises—a difficulty which shows itself in a question that is always relevant and usually critical and never answerable on the sole basis of general rules, namely: "Which of several admitted principles is, in the light of all circumstances, most applicable to this case?" On the other hand, those who have regarded the decision of special cases as a problem independent of general principles—and students of the case method have regularly professed a nominalistic disregard of abstractions—have run into the more serious difficulty that no unified science and no inference is possible on the sole basis of individual cases. Any two cases, in ethics as in law, can be distinguished, and a refusal to enter the realm of abstractions in an open and critical spirit for the valuation of different "elements" of "principles" has led either to the differentiation of cases on trivial grounds or to the subsumption of cases demanding different treatment under a single rubric. It is on these points that the most important criticisms have been directed against casuistical method, whether employed by Greek sophists or by students of the common law, by Jesuits or by the religious teachers of the Protestant, Jewish or Mohammedan sects.

Felix S. Cohen

See: Scientific Method; Ethics; Morals; Case Method; Judicial Process.

Consult: Rashdall, Hastings, *The Theory of Good and Evil*, 2 vols. (2nd ed. Oxford 1924); Dewey, John, and Tufts, J. H., *Ethics* (New York 1908); Moore, G. E., *Principia ethica* (Cambridge, Mass. 1903); Thamin, Raymond, *Un problème moral dans l'antiquité* (Paris 1884); Slater, Thomas, *A Manual of Moral Theology for English-Speaking Countries*, 2 vols. (5th ed. Chicago 1925); Taylor, Jeremy, *Ductor Dubitantium; or, The Rule of Conscience*, 2 vols. (4th ed. London 1696); Whewell, William, *Lectures on the History of Moral Philosophy in England* (London 1852); Rodkinson, M. L., *The History of the Talmud* (New York 1903); Cardozo, B. J., *The Nature of the Judicial Process* (New Haven 1921); Costigan, G. P., *Cases and other Authorities on Legal Ethics*, American Casebook series (St. Paul 1917).

CASUS BELLI is a term used to designate any event which is alleged by one nation as a justification of war against another. The casus belli is thus the avowed occasion of war. Historians usually class it with the "immediate" causes of a war.

It would be impossible to enumerate the various acts or omissions which have been considered at different times in the history of nations as casus belli. They range from the invasion of territory to the failure to fire an appropriate salute in honor of the visit of a reigning prince. The mutilation of the ear of an English sea captain named Jenkins precipitated the war of 1739 between England and Spain. At first called Jenkins' Ear War, it later became part of the War of the Austrian Succession. A dispute over manure led to a bloody war between Peru and Chile in the nineteenth century. A quarrel over a pig is said to have at one time threatened war between the United States and Great Britain.

Since the days of Vattel international jurists who have discussed the circumstances under which wars are to be considered "just" have recognized as casus belli any acts or omissions which seriously attacked the "honor" or "vital interests" of a nation. Any fixing of justifiable casus belli has been rendered impossible, however, by the basic tenets which have prevailed in international law and relations since the Peace of Westphalia. The sovereignty, independence and equality of all members of the family of nations were then firmly established and recognized. It followed from these dogmas that each nation was the sole judge of what constituted a justifiable casus belli.

In such circumstances of international anarchy a casus belli has tended to be only a pretext for declaring war already determined upon for other reasons. Even Vattel, who was very insistent that wars must be "just," recognized this very realistically although with considerable distaste. "The judicious Polybius," he remarks, "gives the name of *causes* to the motives on which war is undertaken,—and of *pretexts* to the justificatory reasons alleged in defence of it. Thus he informs us that the cause of the war which Greece undertook against the Persians was the experience she had had of their weakness, and that the pretext alleged by Philip, or by Alexander after him, was the desire of avenging the injuries which the Greeks had so often suffered, and of providing for their future safety." The learned author hastens to add: "Let us, however, entertain a better opinion of nations and their rulers. There are just causes of war, real justificatory reasons; and why should there not be sovereigns who sincerely consider them as their warrant, when they have besides reasonable motives for taking up arms? We shall therefore give the name of *pretexts* to those reasons alleged as justificatory, but which are so only in appearance, or which are even absolutely destitute of all foundation. The name of pretexts may likewise be applied to reasons which are, in themselves, true and well founded, but, not being of sufficient importance for undertaking a war, are made use of only to cover ambitious views, or some other vicious motive. Such was the complaint of the Czar Peter I that sufficient honours had not been paid him on his passage through Riga." But then Vattell concludes philosophically: "Pretexts are at least a homage which unjust men pay to justice" (p. 304).

To the instances of Vattel the modern reader will be able to add many others. Either the casus belli alleged is obviously pretended or has remained the subject of great dispute. There is often little connection between the "real reason" and the "pretext." The War of 1812 between Great Britain and the United States was presumably fought over the issues of free seas and impressment, but it had a great deal more to do with the land hunger of the western country. In the Mexican War the United States was able to add vast domains to its territory by considering Mexico's stand on the very debatable question of boundary lines as a casus belli. Each of the opposing views of the United States and Spain in 1898, first as to the responsibility for the blowing up of the *Maine* and then as to Spain's sincerity in promising the pacification of Cuba, has its earnest supporters, and the extent to which Serbia was responsible for the death of Archduke Ferdinand of Austria will probably always remain an unsettled question. The revelations of Fay, Barnes, Schmitt, Kautsky, Goos, Ponsonby and other post-war writers on "war guilt" cast grave doubts on the validity of more than one public declaration of casus belli in connection with the World War.

Yet the public declaration of a casus belli may be said to have been particularly important in launching the wars of modern times. In the days of dynastic rivalries wars could be carried on for any whimsical reasons at all. Since the people could not protest there was no compelling necessity of convincing them of the "justice" of a war. Moreover, since war was confined to mercenary or professional armies it could be waged without popular participation. But modern war, involving whole peoples, cannot be fought without the general acceptance of a suitable casus belli. Thus casus belli becomes of the utmost importance in the realm of modern political psychology. But the very fact that a country's objective now tends to be the assimilation to national policy of the ambitions of a very few industrial and political leaders, who desire the control of oil, coal, iron, markets, concessions or spheres of influence, makes it impossible to acknowledge actual motives. The more definitely these are on the economic plane, the more imperative it is that the casus belli be upon a high moral plane. "National honor" is more quick to stir loyalty and gain adherence than "national interest"; and since the real causes of modern war are also bound up with cultural, moral and political passions it becomes necessary only to remain silent about those elements in the international complex which are not disinterested.

The belligerent ultimatum of the aggrieved nation states the casus belli best calculated to elicit support; the demand of satisfaction or war puts the leaders of the challenged nation in the position of refusing when there is no guilt or not daring to admit guilt when it exists, since the prospect is condemnation at home and loss of prestige abroad. The result is a reply of righteous indignation and a parading of offended national dignity. The successive steps in the process thus set in motion have by this time carried the respective nations so far that they must now make good their war stand before a watching world. Propaganda secures the popular acceptance of the enunciated casus belli; to doubt is treason, to fail to respond is disloyalty, and either means social disgrace. The stimuli fall safely within the area of the set mental pattern of national consciousness and the result is enthusiastic support for war on both sides and the release of tremendous energy for the fray. The casus belli has served its purpose.

The idea inherent in the phrase casus belli has thus proved a great hindrance to the maintenance of international peace. International jurists, powerless to pass effectively upon the disputes of nations, have tended to abandon as futile all discussions as to when wars are "just." The disappearance of the habit of finding casus belli must wait upon the development of machinery for the rendering of international justice. All casus belli alleged will have to be real reasons and not pretexts when even questions of national honor are included as proper subjects for the arbitration of international tribunals. The League of Nations and the whole movement for the outlawry of war indicate the new trend. In time the very phrase casus belli may become obsolete with *casus battel* and *casus duel* and others which have marked the futility of attempting to settle human controversies by force.

H. Milton Colvin

See: War; Warfare; Aggression, International; Belligerency; Imperialism; Arbitration, International; Outlawry of War.

Consult: Grotius, Hugo, *De jure belli et pacis* . . . with an abridged translation by William Whewell, 4 vols. (Cambridge, Eng. 1853) vol. ii, bk. ii, ch. xxii, English citation vol. iv, bk. ii, ch. xxii; Vattel, E. de, *Le droit des gens*, 2 vols. (new ed. Paris 1830), English translation edited by Joseph Chitty with E. D. Ingraham (Philadelphia 1854) bk. iii, ch. iii; Stratton, G. M., *Social Psychology of International Conduct* (New York 1929); Trotter, William, *Instincts of the Herd in Peace and War* (2nd ed. London 1919); Pillsbury, W. B., *The Psychology of Nationality and Internationalism* (New York 1919); Fay, S. B., *The Origins of the World War*, 2 vols. (New York 1928) vol. i, ch. i; Ponsonby, Arthur, *Falsehood in War-Time* (London 1928); Ferrara, Orestes, *La guerra europea, causas y pretextos* (3rd ed. Madrid 1916), tr. by Mildred Stapley (New York 1918).

CATHERINE II (1729–96), Russian empress. She was the daughter of Prince Anhalt-Zerbst of Stettin, a general in the Prussian service, and in 1745 married Peter, a nephew of the Russian empress, Elizabeth. Left to her own devices by her weak and incompetent husband, Catherine devoted herself to serious reading. From Voltaire and Tacitus she learned to "see things in dark color" and to understand human nature, particularly its frailties; and she mastered the art of cajolery. Her strength and resources gradually unfolded as she systematically plotted to make herself ruler of Russia. This she accomplished in 1762 when shortly after her husband's accession as Peter III she issued a pronunciamento deposing him; from then until her death she occupied the throne.

A genuine enlightened despot, Catherine sincerely believed, until experience altered her views, that mankind could be regenerated through philosophical legislation. For inspiration she looked to her advanced contemporaries; she corresponded with Voltaire, sought advice of Diderot, who came to St. Petersburg in 1773, and of d'Alembert, who refused to come, found her *souffre-douleur* in Grimm and appointed Laharpe tutor of her grandson Alexander. In 1765 she inaugurated an experiment in education with a plan adapted from Locke through which she hoped to produce "a new human race." The next great task which she set herself was the construction of a code of laws, the ancient code having been abolished in 1649. To carry out this work she summoned representatives from all classes except the clergy and serfs and presented them with an "Instruction" compiled from the writings of Montesquieu and Beccaria and concluding with the daring deprecation, "God forbid that after the completion of this legislation any other people should be more flourishing." Catherine was astonished to discover that Russia was totally unprepared for this reformation. She was both astonished and disgusted to meet with opposition from the nobility and gentry who, far from acquiescing in the limitation of their rights over the peasants, were intent on confirming and increasing them. This first period of Catherine's activity, the idealistic phase, ended in 1768 when she abruptly adjourned the commission and turned her attention to war with Turkey, in which she was to find easier success. When, after the conclusion of this war and the suppression of the revolt of Pugachov in 1774, Catherine returned to the task of providing a code, she was in a more realistic frame of mind. Relying on facts and the precedents of Blackstone's *Commentaries* rather than on the abstractions of the *encyclopédistes*, she herself prepared materials for important statutes. By the statute of 1775 she introduced a new administrative and judicial order. By the charter of the nobility, which appeared ten years later, she confirmed the privileges of this class and allowed it to participate in local self-government; the charter of burgesses was less effective, while the charter of peasants never arrived at publication. The rise of a new generation, dissatisfied with

Catherine's moderate reforms and making demands which aroused her increasing antagonism, ushered her into the third and final stage of her career. Her efforts to influence the radicals by publishing a magazine and by writing comedies in which she derided new ideas were without the slightest effect. The events of the French Revolution and particularly the execution of Louis XVI heightened her reactionary spirit, and she resorted to violent measures against the representatives of new opinions. The influential publisher Novikov, a freemason and satirist, was imprisoned in Schlüsselburg; Alexander Radishchev was exiled to Siberia for daring to remind Catherine of her youthful dreams and for suggesting that a Jacquerie or even the fate of the English king Charles I might be the end of her present indifference to the demands of reformers.

Whatever Catherine's offenses against liberalism, it was in her reign that self-government and an independent judiciary had their modest beginnings and that the notion of individual dignity began to replace the old Muscovite idea of universal subjection to the person of the monarch. If it was the nobility who reaped most of the immediate advantages of her innovations, at least they extolled the period as their golden age. Catherine's foreign policy, aimed at the expansion of Russia, was eminently successful and had momentous consequences. Through the three partitions of Poland, the first two restoring to Russia the Russian provinces of Poland and the third cutting into the Lithuanian population, she greatly augmented her territory; and her two Turkish wars (1768–74; 1787–92), by which Russia obtained free issue to the Black Sea, inaugurated the Slav policy of her successors.

Paul Miliukov

Consult: Bilbassov, V. A., *Istoriya Ekaterini II*, vols. i–ii and xii (St. Petersburg 1889, reprinted Berlin 1900), German translation of vols. i–ii as *Geschichte Katharina II*, 3 vols. (Berlin 1891–93), and of vol. xii as *Katharina II . . . im Urtheile der Weltliteratur* (Berlin 1897), with complete bibliography; Brückner, Alexander, *Katharina die Zweite* (Berlin 1883); Larivière, Charles de, *Catherine la grande d'après sa correspondance* (Paris 1895).

CATHOLIC EMANCIPATION describes generally the disruption of the penal legislation against Roman Catholics in Great Britain and Ireland. This legislation, which was begun under Queen Elizabeth, was perfected in the reigns of King William III and Queen Anne. Inspired as much by political fears as by religious hatred, the code left scarcely any loophole through which Catholics could regain their civic rights. Large confiscations of Catholic property were followed by laws designed to break up the estates of Catholics by dividing them among all the children. A Catholic's eldest child could, however, by embracing Protestantism immediately obtain the fee to the entire property subject only to his father's life estate. Catholics were prohibited from acquiring new lands and even from holding mortgages. Practise of their religion was a legal offense. They could have neither chapels nor Catholic schools, and in Ireland it was made criminal even to send children to be educated abroad.

In England Catholicism was already almost extinct when the penal code was systematically organized. Scarcely 70,000 Catholics remained in a population of nearly eight millions, in the mid-eighteenth century. They survived almost exclusively in and around the mansions of a considerable number of landed families, who kept their private chapels and employed priests as tutors for their sons. Their number diminished steadily through individual secessions; whereas in Ireland, which remained overwhelmingly Catholic, the dispossessed and poverty ridden peasantry increased.

The effort to achieve Catholic emancipation consequently took very different forms. In England the Catholics, many of whom held high social rank, were too few to be formidable. The injustice of their persecution was widely recognized and by the middle of the eighteenth century many of the penal laws had become obsolete. These Catholics lived entirely in their own secluded world, but the new generation was anxious to prove its loyalty to the house of Hanover. Yet not until 1778 did they even dare to present an address of loyalty to George III. This was followed at once by the first English Catholic Relief Act, which enabled Catholics to inherit or acquire land and abolished the penalties against "bishops, priests and Jesuits" and against Catholic schoolmasters. But even these concessions aroused the latent Protestant opposition, and in 1780 Lord George Gordon led a mob to London which gained control of the city for a week, wrecking many Catholic houses and chapels and attacking public men reputed to have Catholic sympathies.

These disgraceful riots produced a reaction. The English Catholic gentry, with Charles

Butler as their secretary, gained courage and organized support among politicians. In order to allay distrust in England the English Catholics suggested various compromises in their papal allegiance, which their bishops opposed. In 1791 William Pitt carried the second English Catholic Relief Act, which permitted church building and Catholic schools and permitted Catholics to teach and to engage in the professions. This act required an oath of allegiance, which was not, however, enforced. No further relief was granted in England until 1829.

In Ireland scarcely any important Catholic landowners had survived the rigorous enforcement of the penal code. Informers constantly obtained rewards for denouncing religious worship or other infringements of the elaborate penal laws. Catholics were even officially described as "bondsmen," and as late as 1759 the lord chancellor explained that "the Law does not suppose any such person to exist as an Irish Roman Catholic except for repression and punishment." Only in trade could they find any independent employment. Many famous families had emigrated to Catholic countries, and with their help a direct trade developed which produced a new Catholic merchant class. The landowners of the Protestant Ascendancy frequently needed their financial support and attempted repeatedly but unsuccessfully to enact legislation enabling Catholics to lend money on mortgages. But the British policy in Ireland was to keep the Catholics in a servile state.

Even to receive from George III an acknowledgment of their loyal address in 1760 was more than the Irish Catholics expected, and they shrewdly concentrated upon winning recognition of their legal existence. In 1771 a minor concession was granted to them. In 1774 they gained the right to profess loyalty before a magistrate, and four years later the Irish parliament passed its first Catholic Relief Bill, which still forbade Catholics to own land but granted them long leases. In 1782, after Grattan won legislative independence for the Irish parliament, another act repealed the most extreme decrees of the penal code but still left mixed marriages with Catholics illegal. Until 1782 concessions had been made more or less concurrently in both countries; but after legislative independence Catholic emancipation became the chief issue in Ireland; while in England the penal laws, affecting only a small and influential minority, were already obsolete.

In Ireland the Catholic merchants had assumed the leadership, while the Catholic landowners, dreading reprisals, discouraged all agitation. But the American war and the French Revolution brought new hopes to the Catholics and resulted in a more conciliatory attitude on the part of the government. John Keogh, a Dublin merchant, urged a more courageous policy. When he carried the Irish Catholic Committee, the conservative element, headed by Lord Kenmare, seceded. Keogh then summoned a national assembly of Catholic delegates ostensibly to present an address to the king. The Irish parliament grew alarmed and by the Relief Act of 1792 made important concessions, though still excluding Catholics from the franchise. Keogh then boldly headed a deputation to the king in London, and the Irish parliament was compelled to admit Catholics to the franchise and to abolish almost the entire penal code.

The need for troops and his new alliances with Catholic states in Europe had convinced Pitt that Ireland should be conciliated. Edmund Burke, whose campaign against revolutionary France had given him immense influence, feared revolution if emancipation were withheld. The English radicals were denouncing all forms of oppression, and the Prince of Wales by his secret marriage to Mrs. Fitzherbert had made many Catholic friends. Nevertheless, the concession policy in Ireland was reversed, and a regime of drastic coercion provoked the rebellion of 1798. Pitt then persuaded the Irish Catholics to support him in abolishing the Irish parliament, promising emancipation after the Union. But when Pitt attempted to fulfil his bargain George III interposed and he resigned.

In England the small Catholic remnant was still denied the franchise. The Napoleonic wars prevented further progress, but by 1813 opinion had grown so much in their favor that Grattan almost carried his Emancipation Bill at Westminster. The Irish Catholics had been powerless since the Act of Union, and the influential English Catholic Committee agreed to various concessions which Grattan insisted were indispensable to the acceptance of any Catholic bill in a Protestant country. Their attitude deeply estranged the Irish Catholics, who opposed all compromise.

A new generation of Irish Catholics had found a leader in Daniel O'Connell. He had revived the agitation with great force but preferred to see it collapse rather than compromise. In 1823 O'Connell began again by founding the Catholic

Association, which was financed by penny a month collections and which won the support of the Catholic peasantry. In 1825 an Emancipation Bill passed the House of Commons but was rejected by the Lords. The Catholic Association was suppressed, but O'Connell with unfailing resourcefulness and extraordinary gifts of popular leadership reorganized it at once.

The Catholic Association soon enrolled the entire Catholic population. A rapid succession of prime ministers—Liverpool, Canning, Goderich and the Duke of Wellington—tried vainly to resist the agitation, which assumed a somewhat nationalistic and social character. It was fast growing uncontrollable. In 1828 O'Connell, standing as Catholic candidate in a by-election in Clare, pledged to refuse to take the anti-Catholic oath. His overwhelming victory compelled Wellington and Peel, who had fought him relentlessly, to surrender; they obliged George IV to carry the Emancipation Act of 1829, which abolished the oath and threw open most positions of privilege to Catholics. But the accompanying rise in the property qualification for voting deprived most of the Irish Catholic peasantry of their franchise.

The sequel was politically a bitter disappointment. Catholic landlords entered Parliament from both countries but were still without power to change the administration. Scarcely any important positions were granted to Catholics until after O'Connell's death in 1847. His strongly democratic politics had estranged most English Catholics, and the mutual distrust is only now disappearing. But political emancipation gave more freedom for the subsequent revival of the Catholic church, and the old prejudice has largely died out. It is less strong in England now than in the United States, and there would be no such opposition to a Catholic becoming prime minister of England as Smith's candidacy for the American presidency aroused. A somewhat different prejudice is arising, however, against the Catholic church as the chief body which opposes such tendencies of the age as divorce, birth control and undenominational education.

The Catholic question in America never assumed the proportions that it did in England and Ireland. Nevertheless, in almost all of the colonies Catholics were subjected to discrimination and penal legislation. The notable exceptions were Rhode Island and Pennsylvania, which maintained a consistently tolerant attitude, and Maryland, which was from its inception and until its conversion into a royal province in 1691 a refuge for colonial and English Catholics. But even in Maryland whenever the Protestants gained control, as they did for a brief period during the Commonwealth, the Catholics were outlawed. Most of the Catholics in the New World naturally settled in Pennsylvania and Maryland.

After the accession of William III severe penal laws similar to those in force in England and Ireland were enacted in the colonies. In Maryland the laws were unusually severe but were not generally enforced. In New York priests were banished and Catholics deprived of the franchise and right to hold office. In Virginia they were not permitted to testify in the law courts. Similar penal codes were enforced in Massachusetts and the other New England colonies.

In the latter half of the eighteenth century public attention centered on political rather than religious questions. A more tolerant spirit prevailed and the position of the Catholics improved. The first Continental Congress made a plea for religious tolerance, and Pennsylvania, Delaware, Maryland, Virginia and Connecticut responded by abolishing the restrictions on Catholics. In many states, however, their rights were limited by constitutional provision or legislation. Rhode Island removed all limitations in 1783. New York followed in 1806, Massachusetts in 1821, New Jersey in 1844 and New Hampshire in 1877.

DENIS GWYNN

See: INTOLERANCE; CIVIL LIBERTIES; SUFFRAGE; EDUCATION, SECTARIAN; RELIGIOUS FREEDOM; CATHOLIC PARTIES; RELIGIOUS INSTITUTIONS; IRISH QUESTION.

Consult: Meyer, A. O., *England und die katholische Kirche unter Elisabeth und den Stuarts* (Rome 1911), tr. by J. R. McKee (London 1916); Hughes, P., *The Catholic Question, 1888–1929* (London 1929); Gwynn, D. R., *The Struggle for Catholic Emancipation, 1750–1829* (London 1928), and *A Hundred Years of Catholic Emancipation, 1829–1929* (London 1929); Ward, B. N., *Dawn of the Catholic Revival in England*, 2 vols. (London 1909), *The Eve of Catholic Emancipation*, 3 vols. (London 1911–12), and *The Sequel to Catholic Emancipation*, 2 vols. (London 1915); Thureau-Dangin, P. M., *La renaissance catholique en Angleterre au XIXe siècle*, 3 vols. (Paris 1899–1906), tr. by W. Wilberforce, 2 vols. (rev. ed. London 1914); Shea, J. D. G., *History of the Catholic Church in the United States*, 4 vols. (Akron 1886–92); O'Gorman, T., *A History of the Roman Catholic Church in the United States* (New York 1895) chs. xv–xviii.

CATHOLIC PARTIES. According to the teachings of the Catholic church the earthly life is but a preparation for the eternal life hereafter.

It is man's duty to prepare himself to become one with God. The state, the most comprehensive and consequently most effective human institution, must be made to further this end; it must be put in the service of the moral order based on divine laws.

According to the Catholic theory of the state (the Christian natural law, as created by Thomas Aquinas under Aristotelian influence) God is the source of all the state's authority. How and by whom this authority should be exercised is the subject of human law to be determined by the people or their representatives. In this the people are indirectly guided by divine will. A government, once it is created, exists by virtue of God's will and consequently the faithful Catholic should not resist it. A change in government, perchance as a result of revolution, is also a manifestation of divine will, and the Catholic is in duty bound to be faithful to the new regime.

The state, furthermore, has for its purpose the encouragement of the individual in the development of his physical and spiritual powers for the common good. In the narrower sense its main purpose is the realization of natural morality. Since man is born into the world a free and independent being, the state must respect the rights of human personality. It must respect also the rights of private property and above all the rights of the family, the most important of which is the educational guidance of children. The church is independent of state authority. It is the state's task to support the church in the exercise of its duties. It should be emphasized that these principles do not deal with the form of the state. The church allows wide freedom in the details of politics, provided they are subordinated to the ultimate moral purpose.

The French Revolution, having attacked the privileges of the clergy, proceeded, under the influence of the Enlightenment, to attack the existing organization of the Catholic church. The Civil Constitution of the Clergy of 1792 was an attempt to separate the church from papal authority and by making the clergy elective to give the church a democratic basis. The pope and the priests resisted successfully and out of their spiritual conflict and political struggle emerged the conservative traditional conception of the state. The theory was first clearly formulated by Bonald in his *Théorie du pouvoir politique et religieux dans la société civile* (1797), recast in brilliant language by de Maistre in his *Du pape* (1819) and later developed and refined to fit political reality. According to this concept Catholicism, deprived of state support, seeks closer union with the papacy. From this the epithet ultramontanist was correctly applied to the Catholic political movement, which is decidedly hostile to the Enlightenment and all its principles. Politically its chief tenet was opposition to the new developments in France. After the revolution of 1830 many alert Catholics realized the limitation of such a program, and adherents were found for a new group led by Lamennais, Lacordaire and Montalembert which stood for close union with the pope and urged upon the French state the view that France seek its salvation in the church. At the same time it was ready to compromise with democratic developments, and it repudiated the monarchy and the émigrés on the condition that the church be granted freedom from and in the state, especially freedom of teaching. This position was condemned by the pope in 1832. After 1848 the party, encouraged by bourgeois elements as a makeweight against the feared socialism, gained new strength.

Under Napoleon III the Catholic group supported the empire, encouraging imperial aggression wherever it might be made to serve the propagation of the faith. Montalembert was instrumental in winning the concession that education be left almost wholly to the church and the religious orders. The close alliance of the church with political reaction led ultimately, under the Third Republic, to the elimination of the church as a political factor. In 1892 Pope Leo XIII's encyclical *Inter innumeras sollicitudines* made a distinction between the government, which it stamped as irreligious, and the republic, which it ordered Catholics to accept. This policy brought to the front Conservateurs, Ralliés, Catholic republicans. A small group, the Sillon, founded in 1899 by Marc Sangnier, which attempted to effect a rapprochement with the state on a democratic basis, was condemned by the pope, but the Sangnier group received some impetus on a new basis in 1926 after the pope had condemned the nationalistic attitude of the Action Française, a Catholic-royalist party under the leadership of Léon Daudet and Charles Maurras.

In Germany the Catholic political movement began with secularization as a struggle for the freedom of the church from enlightened absolutism, irrespective of whether the government was Catholic or Protestant. Between 1820 and 1848 there were in all the South German diets deputies who in close alliance with the curial movement within Catholicism worked for the free functioning of the church in the state and fostered church influence in public schools. The political ideology is traditionalistic throughout. This is also fundamentally true of Goerres, who was originally a follower of the French Revolution but who later drifted into romanticism which, as a literary movement, showed considerable Catholic leanings. In reality only the Catholics west of the Rhine, such as the Reichensperger brothers, were liberals. In Prussia the fight between the Catholic church and the state was linked up with the demand of the state that the church accept mixed marriage. In 1848 the Catholic protagonists made use of the revolutionary movement to secure complete liberation of the church from the state. For this purpose a Catholic group was formed temporarily in the parliament of Frankfort. In Prussia a Catholic group was formed in 1852, assuming the name Zentrum in 1859 from the location of its seats in the center of the chamber. The representatives of political Catholicism before 1871 stood for the unification of the German speaking peoples, including those of Catholic Austria, into one state.

After the formation of the German Empire a Center party was organized which immediately gained a considerable number of seats in the Reichstag. Its demand for special constitutional provisions for the protection of the liberties of the church and for German intervention on behalf of the papal state in its struggle against the forces of Italian unification aroused Bismarck's hostility. By cleverly utilizing anti-Catholic liberal sentiment he led a systematic fight against the party and the church—a fight which Deputy Virchow christened *Kulturkampf*. Bismarck hoped to crush the church through the authority of the state; but outraged by his acts of violence the faithful turned more and more to the Center party as its only defense. Although government measures forced the latter into unconditional opposition, its leaders remained conscious of the fact that an improvement in the political position of the church could be effected only by cooperation with the government. This was the goal of Windthorst and was attained by him when Bismarck withdrew from the National-Liberal party in 1879, effecting financial reforms through the votes of the Center, which now put forward its constitutional demands. These were opposed to the extension of federal authority in the separate German states and were particularly concerned with safeguarding popular representation, the only means of pressure on the government. With this turn Bismarck began the liquidation of the *Kulturkampf*. On the whole, the Center cooperated, but it often joined the Left opposition and only after Bismarck's dismissal did it become really friendly to the government. It did not, however, surrender the possibilities of opposition, as in this way it could attain more of its special aims. The party held the balance of power between Right and Left, justifying its shifts to the voters by referring to the interests of the Catholic church.

The support of the party does not come from a socially homogeneous group but from agricultural as well as industrial workers, employers and, since the introduction of woman's suffrage, about 75 percent of the women of the country. To hold together these divergent economic and social interests the party has always followed a middle course, with a growing democratic trend. During and since the war the party has opposed annexation and favored immediate peace and internal political reforms. The peace resolution of 1917 was chiefly the work of Erzberger, the leader of the party's Left wing. Following the revolution the party declared itself immediately for the republican form of government. It assumed temporarily the name Christliche Volkspartei, but soon returned to its old name. In the National Assembly it formed the so-called Weimar coalition with the Social Democrats and the Democrats and thus succeeded in securing constitutional safeguards for the rights of religious institutions, although it has not as yet succeeded in doing away with the federal school act. Owing to a similar coalition the party enjoys a strong position in Prussia, where it effected the conclusion of a papal concordat. Wirth, the leader of the party, inaugurated the policy which led to the arrangement with war enemies and to the reparations settlement. This policy was consistently upheld by the party. After the war the Bavarian deputies seceded to form the Bayerische Volkspartei, which leans slightly more to the Right than does the parent group and derives support exclusively from the peasant class. Under the influence of the higher clergy the Center party itself has recently leaned more to the Right, although it has clung to its old strategy of working alliances with either side. In the general elections of recent years the party lost somewhat in parliamentary representation, but it regained a number of seats in 1930.

The Austrian Christian (Catholic) Socialist party was formed under Karl Lueger's leadership in the eighties in opposition to the predominant liberalism. This party, of middle class character, reflected the current bourgeois antisemitism. By the end of the century it had absorbed the older loosely organized Catholic conservative group, which brought with it large masses of agrarian voters (especially the more prosperous peasants) and small traders. Strongly anti-Social Democratic, it set up its own agricultural cooperatives and opposition labor organizations. In domestic policy the party stood for the organization of a southern Slav state within the Austrian Empire to offset the influence of Hungary and to secure German supremacy. Though in reality highly conservative, the Christian Socialist party formed a coalition with the Social Democrats after the war and voted for the radical democratic constitution. In 1923 it became the strongest single party and combined with the Greater Germany party against the Social Democrats. In recent years the Christian Socialist party, led by the priest Ignaz Seipel, has tended to join with the Heimwehr Fascisti, largely as a step toward restoring the Hapsburg empire. The Labor wing, led by Kunchak and never more than a minor element in the party, has been reluctant to follow this move.

Although the elements for the creation of a Catholic party were present in Italy, the struggle of the Risorgimento against the pope which tended to create a separate Catholic political group was itself the circumstance which prevented the formation of a Catholic political party. Since the popes did not recognize the Italian monarchy, whose unification campaign had caused the abolition of their temporal power, Catholics were prohibited by the papal bull *Non expedit* from participating in national elections. They were, however, allowed to vote in local governing bodies, which they did with increasing success. In 1900 a large number of municipalities came under Catholic influence. In the parliamentary elections of 1904 Catholics as such participated for the first time with papal acquiescence, and in 1905 Pope Pius x repealed the bull which forbade political activity. In 1909 the Catholics, as the People's party, adopted an attitude friendly to the national constitution and above all opposed to radicalism. The priest Romolo Murri, who led the radical democratic Catholics, did not join the party and took his seat on the Left, as a consequence of which he was excommunicated. Thereafter, the Unione Cattolica Popolare Italiana, enjoying papal support, was the only Catholic party. During the war its policies were very moderate and it favored Italian neutrality.

After the war the group gained additional strength because of the conciliatory attitude of Pope Benedict xv toward the Italian state as well as because of the introduction of woman's suffrage. Under the energetic leadership of the priest Luigi Sturzo the party, since 1919 called the Partito Popolare Italiano in an effort to disguise the religious basis of its motivation, took a democratic trend, favoring conciliation in international relations, social reform, agricultural reform, administrative decentralization and especially freedom of ecclesiastical education. The Popular party and the Christian (Catholic) trade unions helped to suppress the public service strikes of January, 1920. During the syndicalist uprisings the party took its lead from its middle class elements, and its small farmer supporters cooperated with the Fascisti. One member of the party sat in Mussolini's first cabinet. From 1919 until 1921 it was the third strongest party in Italy, but like all other parties in that country it finally succumbed to the Fascist dictatorship. Its more conservative elements joined the Fascisti and Sturzo went into exile under orders from the Vatican.

Ludwig Bergsträsser

See: Religious Institutions; Religious Freedom; Catholic Emancipation; State; Papacy; Education, Sectarian; Parties, Political; Anticlericalism; Social Christianity; Christian Socialism; Socialist Parties; Fascism.

Consult: For Catholic Political Theory: Cathrein, Victor, *Moralphilosophie*, 2 vols. (5th ed. Freiburg 1911); Leo xiii, Pope, *Diuturnum illud* (Rome 1881), *Immortale Dei* (Rome 1885), and *Rerum novarum* (Rome 1891), English translation of the latter two contained in *The Great Encyclical Letters of Pope Leo XIII*, ed. by J. J. Wynne (3rd ed. New York 1903) p. 107–34 and 208–48; Schrörs, Heinrich, *Katholische Staats-auffassung* (Freiburg 1919).

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CATO, MARCUS PORCIUS (234–149 B.C.), called "the Elder" or "the Censor," one of the great figures of the early stage of Roman imperialism. To the later Romans, especially to Livy, he was the model citizen, the exemplar of the older Roman virtues of severity, simplicity and patriotism. A brilliant and successful soldier, a good lawyer, Cato confined his political activities to bitter opposition to the popular and dominant family of Scipios, all of whom he pursued with a personal and relentless animosity. His famous purge of the senate in 184 B.C. from which he derived his by-name was, it may be, motivated at least as much by political considerations as by a horror of vices to which he was not as much averse as later legends indicated. That such a man would set his face against Greek fashions in thought or conduct or Greek practises in religion was almost inevitable. He would probably have done so even had the Scipionic circle, which he hated, been less markedly philhellenic. But he was honestly shocked when the Greek Carneades offered to defend both sides of a question on successive days and he was filled with a real horror at the Bacchanalian rites with their mingling of sexes and intrusion of new divinities. Yet his fear of foreigners, his ruthlessness to possible enemies of Rome, even his contempt of women, were not wholly derived from the stark conservatism of the Sabine ploughboy. He shared without knowing it the state ideal of Plato and Aristotle, a small community of equals dominating a large but still limited area in which groups and subgroups were maintained in due subordination. His permanent importance lies in the attraction which this ideal, despite its obvious futility, still exercises over many minds.

Of his works his book on farming, *De agri cultura* (ed. by H. Keil, Leipsic 1895; tr. and ed. by F. Harrison in *Roman Farm Management*, New York 1913, p. 19–50), has survived in a revised form. It is an excellent manual written by a real farmer and is invaluable for the economic history of the ancient world. His other works, *Origines*, the first prose history in Latin, and his orations, survive only in quotations.

MAX RADIN

Consult: Heitland, W. E., *Agricola* (Cambridge, Eng. 1921) p. 164–73; Grenier, A., *La génie romain dans la religion, la pensée et l'art* (Paris 1925), tr. by M. R. Dobie, History of Civilization series (London 1926) p. 144–53.

CATTANEO, CARLO (1801–69), Italian patriot and social philosopher. Cattaneo was a favorite student of G. D. Romagnosi and he early attained a position of importance in Italian intellectual life. When the Revolution of 1848 broke out in Italy he became the leading spirit of the Milanese insurrection against Austria, the events of which he later vividly recorded in his *Insurrection de Milan en 1848* (Paris 1848). After the recapture of Milan by the Austrians Cattaneo emigrated to Lugano, in Switzerland, where he taught philosophy from 1852 until 1865. Cattaneo never abandoned his original allegiance to the federalistic principle of unification and refused to take any active part in the Italian monarchy, although he was summoned to Naples by Garibaldi in 1860 and was later repeatedly elected to parliament. To him federalism worked out on the model furnished by the United States, and Switzerland was more than a political makeshift suitable to the Italian situation; it was an ideal solution wherever the necessity for unity coexisted with powerful centrifugal forces. As early as 1848 he predicted the United States of Europe.

A publicist of great learning, literary talent and versatility, Cattaneo occupied himself with a wide variety of subjects—agriculture, administration, finance, education, literature—and made important contributions to many branches of social theory. Most of his writings appeared as articles in reviews, *Annali universali di statistica* and *Il Politecnico*; the latter he founded and wrote for from 1839 to 1844 and from 1860 to 1863. It was through *Il Politecnico* that he hoped to accomplish the intellectual regeneration of the Italian people, to lead them away from romanticism and to prepare their minds for the scientific treatment of social problems. Cattaneo's wide range of interests appears in full light in his historical studies, such as *Notizie naturali e civili sulla Lombardia* (Milan 1844) and *La città considerata come principio ideale delle istorie italiane*, which he approached in a truly modern spirit, taking full account of geographical, anthropological and economic factors. As economist Cattaneo followed the liberal tradition; he decried the economic nationalism of Friedrich List and made a vigorous plea on logical grounds for the abolition of the civil decrees against the Jews. As he showed in *Ricerche economiche sulle interdizioni . . . agli Israeliti* (Milan 1836), these decrees, in excluding the Jews from the ownership of landed property, had encouraged them to become capitalists and usurers. In sociology, the problems of which he was one of the first to appreciate, Cattaneo's contributions were of the first order. He anticipated positivism in criminology, demonstrating the fallacy of the abstract conception of justice which considered only the crime and not the man, and pointing out that criminologists must seek instruction from anthropology; he stressed the linguistic and historical significance of dialects; finally, he did much to advance the study of social psychology which, as he attempted to show in a series of articles on what he called the psychology of associated minds, contains the secret of all civil history.

Alessandro Levi

Works: *Opere edite ed inedite*, ed. by A. Bertani, 7 vols. (Florence 1881–92); *Scritti politici ed epistolario*, ed. by G. Rosa and J. W. Mario, 3 vols. (Florence 1892–1901); *Le più belle pagine*, ed. by Gaetano Salvemini (Milan 1922).

Consult: Mario, A., and J. W., *Carlo Cattaneo, cenni e reminiscenze* (2nd ed. Rome 1884); Saffiotti, F., *Carlo Cattaneo* (Rome 1922); Levi, A., *Il positivismo politico di Carlo Cattaneo*, Biblioteca di Cultura Moderna, no. 159 (Bari 1928), containing bibliography; Savorgnan, F., "Carlo Cattaneo e la sociologia" in *Rivista italiana di sociologia*, vol. viii (1904) 666–83; Giovannini, A., *Carlo Cattaneo economista* (Bologna 1905); Loria, A., "Carlo Cattaneo economista" in *La riforma sociale*, vol. xi (1901) 680–92; Momigliano, Felice, *Carlo Cattaneo e gli stati uniti d'Europa* (Milan 1919), and "Il classicismo letterario e il positivismo filosofico di Carlo Cattaneo" in his *Vita dello spirito ed eroi dello spirito* (Florence 1921) ch. iv; Zuccante, M. R., "Carlo Cattaneo e la nazione armata" in *Rivista d'Italia*, vol. xxiv, pt. i (1921) 262–86.

CATTLE INDUSTRY. *See* Livestock Industry.

CATTLE LOANS are of three main types, known as feeder loans, stocker loans and dairy loans. Feeder loans first attained importance when large herds were developed upon open ranges west of the Mississippi and marketed at the large meat packing centers. A profit could be made, particularly in the corn belt, by purchasing range cattle at the stockyards, putting them on good pasture or in feed lots for several months and reselling them at a premium as prime or finished cattle. Experienced lenders consider feeder loans a very desirable type of investment owing to the short maturities, the readily marketable character of the animals pledged and the rapidly increasing margin of safety provided by the gain in weight and quality.

Stocker loans, enabling cattlemen to buy more breeding stock or to defer the marketing of young stock, are needed for periods of six months to three years, but the notes are usually drawn for six to nine months and renewed. Experienced lenders view these loans when made on range cattle as less desirable than feeder loans, primarily because of the greater risk of price changes and losses from weather and disease. Stocker loans are safer when made to finance small herds in the intensive farming areas.

Dairy loans, to obtain dairy animals, are usually repaid in instalments from the sale of milk or milk products over a long period and therefore depend for liquidation largely upon the character of the borrower. This type of loan is particularly suitable to local lenders who know the capacity and integrity of the borrowers.

Local banks in, and north of, the tier of states extending from Ohio to Missouri have been able to provide funds for nearly all of their local cattle loans, but in other cattle raising states west and southwest the demand for loans greatly exceeds the supply of local funds. Legal limits on the size of loan to any one borrower restrict some banks with ample funds in making the larger loans. In consequence, there is a prevailing need for outside funds.

Local banks have sold a limited amount of cattle loans direct to their correspondent banks. Livestock commission companies, desirous of enlarging their own commission business, and cattle loan companies, designed to operate as middlemen between local banks or cattlemen and commercial banks largely to the eastward, have handled the bulk of such outside loans. Recently a number of agricultural credit corporations have been organized to obtain federal intermediate credit bank funds by rediscounting.

The Federal Reserve Banks and Federal Intermediate Credit Banks make no cattle loans directly but do provide very satisfactory rediscount facilities for such paper when properly drawn and satisfactorily secured. The Federal Reserve Banks may rediscount maturities not exceeding nine months for member banks; and the Federal Intermediate Credit Banks may rediscount maturities of not less than six months nor more than three years for banks, cattle loan companies, agricultural credit corporations and cooperative associations. The Federal Intermediate Credit Banks were designed, in part, to provide a large and dependable source of capital to finance cattle loans. Their holdings of such loans have increased steadily since their organization and at the end of 1929 exceeded $24,000,000. The cattle loans held by the Federal Intermediate Credit Banks are but a small part of the total of such loans outstanding in the United States, but these banks are of considerable assistance in the regions most urgently in need of outside funds. Of the total cattle loans made by the Federal Intermediate Credit Banks during the years 1928 and 1929, approximately 55 percent were in the states of Texas and California, and approximately 85 percent in the states of Texas, California, Arizona, Nebraska, South Dakota and New Mexico.

The interest rate paid on cattle loans has, with relatively few exceptions, ranged in recent years from 7 to 9 percent. The lower rates apply to feeder loans and large stocker loans, both of which are most often sold to outsiders. The higher rates apply to the small stocker and dairy loans, which are most often held locally. The bulk of the cattle loans are being made at the rate of 7.5 or 8 percent.

There has been a high percentage of failures in the organizations handling cattle loans in every period of rapidly declining cattle prices or credit stringency. This is due largely to competition for a large volume of loans in an antecedent period of easy money and rising cattle prices when rates of interest and margins of security asked of borrowers were reduced and when some loans were taken without any margin or inspection of security and borrowers were often urged to use more funds, especially for stocker purposes.

There has been no significant development of cooperative loans upon cattle in the United States. European cooperative credit loans such as those of the famed Raiffeisen societies are made largely to facilitate purchases of a few dairy animals, but this kind of financing is adequately provided for in the United States by the local banks. On the other hand, cooperative associations appear to be poorly adapted to financing the large and isolated herds of the American range country.

An economic program for cattle financing must include careful selection or supervision of the parties managing livestock, prudent lending in periods of rising prices, proper utilization of Federal Reserve Banks and Federal Intermediate Credit Banks and foresight as to changes in the cattle industry and the relation of such changes to changing credit conditions.

J. Franklin Ebersole

See: Livestock Industry; Dairy Industry; Meat Packing and Slaughtering; Agricultural Credit; Farm Loan System, Federal; Credit Cooperation.

Consult: Ebersole, J. F., "Cattle Loan Banks" in *Journal of Political Economy*, vol. xxii (1914) 577–80; Newman, Victor A., *An Analysis of the Business Methods of Cattle Loan Banks and Companies* (Kansas City 1922); Olsen, Nils A., and others, "Farm Credit, Farm Insurance and Farm Taxation" in United States, Department of Agriculture, *Agriculture Yearbook* (1924) 219–38; Larmer, F. M., *Financing the Livestock Industry* (New York 1926); Bray, C. I., "Financing the Western Cattleman" in Colorado Agricultural Experiment Station, *Bulletin*, no. 338 (1928) 1–87.

CAUCUS. This term is derived from American political jargon. Coined perhaps from an American Indian root meaning "to consult" (Algonkin *kaw-kaw-wus*) the word first appeared as the name of a cabal dominant in Boston politics during the last half century of the colonial period. While in its early usage it was widely bandied about and applied in a derogatory sense the term has come to cover various sorts of organized effort for party regularity. In the United States a caucus is a meeting by members of a party or faction for the purpose of choosing party leaders, formulating policy or naming candidates for public office. It is a meeting of a small group within a larger group: of voters in local districts, of representatives in municipal, county and state legislatures or in Congress, or of a corresponding group in a non-political organization. "Caucus" in Great Britain refers to the standing organization of a political party. It came into general use in 1878 when misapplied by Lord Beaconsfield to the Liberal Association of Birmingham, but is now applied to controlling organizations of all parties. In Australia the term denotes especially groups of Labour members in federal and state parliaments, working in conjunction with trade councils to control the government; hence it has become an opposition name for the Labour party itself. Elsewhere, in New Zealand and France for example, it applies more generally to meetings of any legislative group.

As early as Washington's administration men of kindred spirit met to plan concerted action in Congress. In state legislatures party groups supplanted colonial *juntos* and revolutionary committees of safety. Beginning about 1790 meetings of partisans from both houses of the state legislatures nominated candidates for governor and lieutenant governor, and on some occasions proposed nominees for president of the United States. Nominations for president and vice president, however, soon came to be controlled by party groups at the seat of the federal government. Both Federalists and Republicans by secret caucus action drew up their respective tickets for the election of 1800, but with the decline in the number of Federalists in Congress thereafter, their caucus was no longer used for nominations. The so-called congressional caucus of the Republicans determined the tickets of Jefferson, Madison and Monroe.

This assumption of power was open to popular objection on several grounds. It was an extension of congressional influence to selection of the executive, while the constitution expressly debarred members of Congress from serving as presidential electors. Moreover, the caucus system was unfavorable to a candidate who, like Jackson, was weak in official support. Although in the beginning parties sprang from caucuses of the legislatures, with the extension of suffrage and democratic doctrine and with swifter communication there was a growing demand for more popular control of party organization. When the last congressional nominating caucus met in 1824 more than two thirds of the Republicans refused to attend, and its action in naming Crawford for president was without binding effect throughout the country. Thereafter the delegate convention replaced the caucus in presidential nominations. Similarly methods of nominating state executives changed from purely legislative caucuses to mixed caucuses, complemented by outside delegates, then to "mongrel caucuses" or mixed conventions, in which legislators sat only in the absence of ad hoc delegates, and finally to conventions of delegates only. The adoption of the Seventeenth Amendment, which provided for the popular election of United States senators, removed the last extraneous function from the legislative caucus.

The maintenance of party regularity in the organization and business of the legislature became increasingly important, however, with the sharpening of party cleavage. Since 1824 this party control has occasionally been accomplished in Congress through joint caucus of Senate and House members, as in the case of the Republicans in July, 1866. But in general the caucuses of the two chambers act separately. Preliminary to a new Congress each party caucus in each chamber selects its chairman and secretary, chooses the party floor leader and agrees on candidates for president *pro tem* in the Senate and for speaker in the House, as well as for the other elective officers. Support of caucus nominees is a crucial test of party regularity. Since 1848 Senate committees, and since 1911 House committees, have regularly been selected in accordance with lists prepared by committees of the majority and minority caucuses. The work of these committees is subject to caucus supervision in principle and sometimes in detail. The majority caucus alone, however, determines the ratio of the strength of majority and minority parties on committees. In advance of congressional elections campaign committees, both senatorial and congressional, are created by the caucuses.

Of late party organizations in the individualistic Senate have refrained from binding decisions on legislative policy, employing the conference rather than the caucus form of meeting. House Republicans, after more than a decade of conference, restored the caucus in 1925. Those who enter are expected to be bound by the decisions of the majority, unless they express dissent and "bolt the caucus." House Democrats are bound by a two-thirds vote of their caucus, except with regard to constitutional construction, prior pledges to constituents or contrary instructions from a nominating authority.

Caucuses are voluntary associations unrecognized by rules save for permission to use the hall of the House for caucus meetings of its members. Their influence is therefore a variable factor in legislation. In a sharp clash of party principles or under the pressure of aggressive leaders, as during the period of Civil War and reconstruction, under Speaker Reed, and in the presidencies of Jefferson and of Wilson, party forces are welded for united action. But in times of personal responsibility and free union, when there is little attempt to marshal a permanent majority behind a party program, caucus discipline is rarely invoked.

PAUL DEWITT HASBROUCK

See: POLITICS; PARTIES, POLITICAL; CONVENTIONS, POLITICAL; ELECTIONS; CAMPAIGN, POLITICAL; MACHINE, POLITICAL; CLUBS, POLITICAL; COMMITTEES, LEGISLATIVE.

Consult: Ostrogorsky, M. A., *La démocratie et l'organisation des partis politiques*, 2 vols. (new ed. Paris 1903), tr. by F. Clarke (New York 1902) vol. i, p. 161–325, 329–523, vol. ii, p. 3–34, and "Rise and Fall of Nominating Caucus, Legislative and Congressional" in *American Historical Review*, vol. v (1899–1900) 253–83; Hasbrouck, P. DeW., *Party Government in the House of Representatives* (New York 1927) especially ch. i; Luce, Robert, *Legislative Procedure* (Boston 1922) p. 506–15; Harlow, R., *The History of Legislative Methods before 1825* (New Haven 1917) chs. ii–iv; Lowell, A. L., *The Government of England*, 2 vols. (new ed. New York 1912) vol. i, chs. xxvii–xxx.

CAUER, MINNA (1841–1922), German feminist. She was at first interested in historical research, devoting particular attention to the part played by women in social development, and was drawn into the ranks of the feminist movement almost against her will. As president of the Frauenwohl, founded in 1888 to revive the then quiescent German feminist movement, she ushered in a new and vigorous epoch in its history. Minna Cauer did not confine her interests to the narrower aspects of feminism. She used her influence to draw women of independent means into all phases of social reform. While the civil code was being revised during the nineties she carried on a vigorous campaign for the civil rights of women. In 1889 she assisted in founding the first trade union of women employed in mercantile enterprises. Her firm belief in the importance of the vote led her in the beginning of the twentieth century to concentrate her energies on woman suffrage. She was important in the founding of the Weltbund für Frauenstimmrecht in 1904. As editor of *Die Frauenbewegung* from 1895 to 1919 her writings set forth in a progressive spirit not only the problems of women but questions of social and political import. She was also the author of *Die Frau im 19. Jahrhundert* (Berlin 1898).

When the revolution of 1918 realized the ideals of social democracy (including the enfranchisement of women) for which she had fought, Minna Cauer, while welcoming the new era, found it impossible to participate in it politically. Her health had been seriously impaired by the persecutions which she had suffered as a supporter of the principles of international amity during the World War. It was to this cause and to that of education in the new era (through the Bund Entschiedener Schulreformer) that she devoted her remaining years.

ELSE LÜDERS

Consult: Cauer, Minna, *Leben und Werk*, ed. by Else Lüders (Gotha 1925); Puckett, H. W., *Germany's Women Go Forward* (New York 1930).

CAUWES, PAUL LOUIS (1843–1917), French jurisconsult and economist. Associate in the law faculty of Nancy (1867–73) and paleographer for archives (1868), he was appointed in 1873 to the faculty of Paris, where he taught Roman law and the history of law. In 1895 he was appointed to the chair of political economy, which he occupied until his retirement in 1913. He became dean of the faculty in 1910. In 1900, in conjunction with Mahaim and Jay, he founded the Association International pour la Protection Légale des Travailleurs, of which he was president until 1906. He was likewise founder and president of the Société d'Économie Nationale.

As jurist, historian and economist Cauwes drew his inspiration from the German historical school and the economic nationalism of List. At a time when economic liberalism in France was unchallenged except by the socialists, he asserted for the state the role of a factor in economic and social progress. He regarded the nation as an economic entity worthy of protection and preservation, and social well-being as the goal of the art of economics, which he conceived of as a necessary complement of scientific observation and theory. Thus he represents the reaction against individualism and liberal cosmopolitanism. Like List, Cauwes regarded protection as a safeguard of industry, a stimulus to production and a means for insuring the harmonious development of the economic state. He exerted a marked influence on French university economists, of whom very few are today pure liberals, and he contributed largely to the progress of protectionism in France.

William Oualid

Important works: *Précis du cours d'économie politique professé à la faculté de droit de Paris*, 2 vols. (Paris 1879; 3rd ed. 4 vols., 1893); "Bauernbefreiung in Frankreich" in *Handwörterbuch der Staatswissenschaften*, 7 vols. (2nd ed. Jena 1898–1901) vol. ii, p. 380–88.

CAVEAT EMPTOR, or let the buyer be on his guard, is a word of warning, a custom of trade and a rule of law. As the words go the purchaser must take his chance upon the title, identity, quantity and quality of the ware; he accepts the chattel for better or for worse. As practise has it the seller may be held responsible for title, he must make good a warranty and he is liable for fraud.

As maxim, custom and rule caveat emptor is a product of the Middle Ages. In days when a Christian economy had no rightful place for trade the affairs of the market place were beyond the law. One who engaged in trafficking did so at his own risk. After a time the casual character of exchange made the buyer's reliance upon his own acumen a matter of common sense. The articles were familiar; they were in plain sight; there was opportunity for inspection. If the traders were neighbors the merits and defects of horses, plows and seed corn were matters of common knowledge; if they were strangers the game of chance was to be won by the smarter. In friendly higgling the buyer needed no protection; in deals with the foreigner a safeguard would have robbed exchange of its incentive. Caveat emptor developed the mercantile virtues; it made buyers and sellers sharp, cautious and resourceful; it was "a good old doctrine for the encouragement of trade." Considerably later, when the profit motive came to be used to explain business activity, a rising laissez faire gave to the ancient precept a new sanction and a renewed support.

As trade became regular and business respectable the conditions which called caveat emptor into being disappeared. Wares were produced for the market; goods were passed along established routes by authorized dealers to regular customers. Articles were ordered from afar and contracts for their delivery were made in advance of their manufacture. Commodities of bulk were disposed of by sample; goods were used to produce other goods in a succession of productive operations that could not be halted; a maze of negotiable paper marched along with the process of buying and selling. The multiplication of wares, the interlocking of industries, the impersonality of business relations and the long list of attributes which goods may possess all combined against the rule of thumb test of quality. A hurried commercial world could not wait until each individual had felt and smelled and probed; the goodness of the commodity was to be left to experts who could use scientific tests. A judgment could not wait for a meticulous determination of the exact verbal exchange between the parties in each particular sale; the trade had to have its rough measure of quality and its general understandings. A number of things had to be taken for granted or business could not have gone on.

The old custom of caveat emptor had to be bent to the newer ways of business. The bargain became the contract. The stranger with whom the buyer regularly dealt became a gentleman; his word was more and more to be trusted. It was not enough to win customers—they had to be held; it became good business for the seller to give a minimum warranty for his wares. The buyer might place future orders elsewhere; his option enabled him to demand that defects in purchases be made good. A longer period for inspection, a greater readiness to allow the return of goods and a disposition to adjust claims out of court came into vogue. The adage "the customer is always right" won a limited acceptance; a breath of life was breathed into the wall motto "satisfaction or your money back." The art of sharp dealing lost some of its repute and the cruder risks of a trade which had not yet found its channel disappeared.

In its turn the law made a belated adjustment to the necessities of a going business system. A court decides specific disputes between litigants; it is only as case follows case that it makes policies. The first change in caveat emptor was not in the principle but in its application. The buyer's right of recovery, once limited to fraud, was greatly enlarged by two devices invented by lawyers and eventually accepted by judges. One device was the rule of warranty. When the parties dealt at arm's length the seller could be held only for an express guaranty given at the time of sale; when goods were ordered in advance of manufacture an "implied warranty" was assumed as part of the bargain. The vagueness of the term made its use easy. The line between talk and promise could not be drawn with precision; as justice demanded—or judges willed—representations, labels and even advertisements came to have a standing in court. Once accepted as "evidence of warranty" it was easy to find an implied warranty within their words. The other device was negligence. The seller might be silent about obvious shortcomings; but from early times he was bound to reveal hidden defects of which he had knowledge. But the seller's mind was not always an open book; it was necessary to presume on his part a certain detailed acquaintance with his property; and so to the words "he knew" it was easy to append "or ought to have known." This catholic formula enabled the courts gradually to impose upon sellers higher standards of knowledge, care and accuracy in statement. Thus, without violence to the fundamental principle of caveat emptor, the contrivance of subordinate rules little by little enlarged the legal rights of the buyer. Yet a law differently applied is really not the same law. So courts came to "restate" the principal rule "to take account of the exceptions." Legislation was evoked to remove outworn rules of law as well as to make secure the up to date holdings of the courts. In time a uniform sales act which contained a detailed code for the protection of the buyer was drafted and has been adopted by many state legislatures.

The response of law to business necessity has been slow and irregular. In England the older rule was relaxed much earlier than in the United States, where legal usage has proved to be much less adamant to change. In the United States the common law means one thing in one jurisdiction and a different thing in another; ancient and modern notions blend variously in the statutes of the several states; and even the uniform act, where it has been adopted, has not obliterated local habits of interpretation. Moreover, the buyer's need to rely upon himself depends upon the market and the commodity. A setting of plymouth rock eggs is legally bound to bring forth plymouth rock chickens; but the dealer in works of art is obligated only to the best of his expert belief. Cotton is sold by sample; but the publisher of an encyclopaedia is not constrained to maintain the quality of the prospectus. A manufacturer may mix wrappers on two of his soaps without serious consequence; but a chemical house which allows a label of cough syrup to find its way on to a bottle of iodine may be mulcted in heavy damages. The buyer of stale bread in waxed paper may get his money back or claim a fresh loaf; the purchaser of imperfect raw materials or defective machinery is entitled to redress for injury to plant and equipment. The courts may still be plagued with the case of the farmer who sows what it says on the package and reaps something else. A simple rule of law, with its clear cut exceptions, has encountered many commodities from many markets put to many uses—and has become an elaborate, changing and none too certain code.

An ideal picture of the buyer's rights presents both a statement of tendencies and a standard by which existing practise is to be judged. The current confusion, which is passing, is at bottom a clash of ideas. An older theory makes the exact understanding between individual traders the standard of justice; a newer theory sets up as a test the minimum of goodness which a commodity must possess to be marketable. In courts of law, amid the confusion of rule and exception, procedure and precedent, the issue is uncertainly joined. But the trend is definitely away from the words which the parties said to each other and toward the understandings within the trades. The law is coming to regard warranty against obvious defects as implicit within the contract of sale, to look upon its expense as a necessary cost of production and to place liability upon that one of a succession of sellers who is financially responsible and easily reached. The law, in the holdings of the courts, is moving uncertainly toward a simple and definite code of obligations.

But his own vigilance and access to the law are not the buyer's only safeguards. Both within business and by the state defenses against his own carelessness have been contrived. The pharmacists have set up standards of identity and of purity to which medicines must conform; trade associations have their tests of quality to which their members are committed; and the use of distinctive labels by manufacturers gives some assurance about the contents of packages and cans. The local authorities test milk before its sale; the states place their ban upon pest ridden commodities; the federal government draws a line between wholesome and unwholesome foods. The Federal Trade Commission, in a drive at unfair competition, tries to suppress the grosser forms of misrepresentation. The Bureau of Standards at Washington makes rigid tests of rival wares; their records might some day be opened to a public of purchasers. A rule of caveat emptor is made merciful, a right of resort to law is enlarged, an admission to the public market is denied inferior and injurious goods—

and a scheme of institutions for the buyer's protection begins to reveal its irregular outline.

In the flux of industrial change caveat emptor has not been lost. The ancient precept is still to be discovered behind the broadened rules of fraud, warranty and negligence, behind standards, inspection and trade practise. The protection accorded the buyer is still a narrow one. At best only a minimum of quality is assured, and that in matters that do not invite difference of opinion. Business is business and law is law, but neither insures quality to the book, long life to the garment, style to the furniture or durability to the automobile. In many industries improvement is directed rather to points of the product that can be talked up than to features in need of mending. At best the seller's words have a limited currency in court; salesmen are not limited to a simple recital of bare fact and salesmanship has not ceased to be a creative art. As yet the ordinary man cannot be certain that the article he was induced to purchase satisfies a need he really feels. The best warranty has a time limit; the reasonable man has the habit of allowing a valid claim to lapse through carelessness. The chicanery of petty trade is gone; the buyer may accept standard wares in the belief that he is getting his money's worth. But in plain speech and at law a refined caveat emptor still means that purchase is a game of chance.

WALTON H. HAMILTON

See: BUSINESS; LAISSEZ FAIRE; SALES; FRAUD; NEGLIGENCE; FOOD AND DRUG REGULATION; ADULTERATION; STANDARDIZATION; CONSUMER PROTECTION; TRADE ASSOCIATIONS; SALESMANSHIP; ADVERTISING; TRADEMARK.

Consult: Mill, John Stuart, *Principles of Political Economy*, 2 vols. (7th ed. London 1871) bk. v, ch. xi, sect. viii; Chase, Stuart, and Schlink, F. J., *Your Money's Worth* (New York 1927); Llewellyn, Karl N., *Cases and Materials on the Law of Sales* (Chicago 1930) ch. iii.

CAVOUR, CAMILLO BENSO DI, CONTE (1810–61), Italian statesman. The younger son of a Piedmontese noble family, he became by study, travel and achievement a leading exponent of liberal nationalism. From Rousseau, Adam Smith, Bentham, Alfieri and other eighteenth century writers he acquired a dislike for absolutism and clericalism and an enthusiasm for personal and national freedom. From the example of the 1830 revolution in France he derived the conviction that constitutional monarchy is compatible with liberty. From sympathetic travel in England and association with industrial capitalists and the classical economists he developed a fondness for English political institutions and economic policies. All these elements he fused in an ardent Italian patriotism.

As a wealthy private citizen Cavour did much between 1835 and 1848 to further scientific farming in Piedmont and to introduce the industrial revolution into northern Italy. In addition to managing large agricultural estates he became a captain of the new industry; he engaged in banking at Geneva and Turin, operated chemical factories, organized the Lago Maggiore steamboat company and built the first Italian railway. In 1847 he founded at Turin the famous newspaper *Il risorgimento*, which preached the national rehabilitation and unification of Italy. In 1848 he was largely instrumental in inducing King Charles Albert to establish middle class constitutional government in Piedmont.

As minister of agriculture, industry and commerce in the cabinet of King Victor Emmanuel of Piedmont after 1850, and as minister of finance and prime minister after 1851, Cavour labored to develop the economic resources of his country after English models. Classical political economy he held to be "the science of love of country." A convinced free trader, he secured the repeal of navigation acts and high tariffs and instituted a reformed system of direct taxes on incomes and inheritances.

As foreign minister after 1855 he showed consummate diplomatic skill not only in obtaining foreign aid for his program of Italian unification under Piedmontese leadership but also in overcoming domestic opposition and in harmonizing the conflicting currents of radical republicanism and reactionary clericalism with the liberal royalism which he championed. He had Piedmont, in union with France and England, go to war with Russia in 1855, and utilized the ensuing Congress of Paris (1856) to air Italian grievances against Austria. He arranged an alliance with France in 1858 and used it to wage the war of 1859 with Austria which resulted in the annexation of Lombardy and the duchies to Piedmont. He abetted Garibaldi in his spectacular conquest of the kingdom of the Two Sicilies in 1860 and cleverly intrigued so that that doughty republican surrendered his conquest to the king of Piedmont. Cavour had the satisfaction of proclaiming in 1861 the transformation of Piedmont into the constitutional kingdom of Italy; and although he died shortly afterwards he had clearly pointed the way by which Venetia and Rome would soon be incorporated in united

Italy. He did his best during his public career to convince Pope Pius IX that by surrendering Rome to Italy the papacy would gain in spiritual world esteem far more than it would lose in temporal Italian power; and Cavour's dictum of "a free church in a free state" provided the basis of the Law of Papal Guarantees in 1871 and of the Lateran Treaty of 1929.

Carlton J. H. Hayes

Works: *Discorsi parlamentari del conte Camillo di Cavour*, ed. by Guiseppe Massari, 11 vols. (Turin 1863–72); *Opere politico-economiche*, 3 vols. (Naples 1860); *Lettere edite ed inedite di Camillo Cavour*, ed. by Luigi Chiala, 6 vols. (Turin 1883–87); *Gli scritti del conte di Cavour*, ed. by Domenico Zanichelli, 2 vols. (Bologna 1892); *Scritti politici*, ed. by Giovanni Gentile (Rome 1925).

Consult: Thayer, W. R., *The Life and Times of Cavour*, 2 vols. (Boston 1911); Matter, Paul, *Cavour et l'unité italienne*, 3 vols. (Paris 1922–27); Martinengo-Cesaresco, E. L. H., *Cavour* (London 1898); Bianchi, N., *Storia documentata della diplomazia europea in Italia*, 8 vols. (Turin 1865–72) vols. vii-viii; Camozzini, F., *Cavour economista* (Turin 1926).

CELIBACY is the unmarried state. A lone negative describes an uncertain institution; a departure from customary usage has no set form. A child is not a celibate, and yet no fixed count of years is a prerequisite. An aged person, recently bereaved, can never know the condition; the word is dubiously applied to the widowed living with their families. A deliberate acceptance is not a distinguishing mark; celibacy may be achieved by free will, by accident or by compulsion; it is a voluntary order and a residual estate. It betokens continence, but does not of necessity imply it; the ascetic, the irregularly attached and the prostitute may in common lack the marriage bond. Its way may be solitary or communal; it is alike a private plan of life and an established discipline. As conditions are unlike, cultures differ, forms of marriage vary and its arrangements change, celibacy presents a like variety. A countless number of celibates, scattered through centuries and across continents, make up a heterogeneous group.

In society at large celibacy is an evasive institution. Among savages its fortuitous existence has little formal recognition. The sex urge is accepted as natural and a sanctioned union as the destiny of every child. If it is not attained the fault lies with the usages of marriage within the tribe. A custom which forbids a woman to precede her older sister into wedlock may cause both to go unmarried; a right which gives to elders the first claim to women may cause the young bucks to wait for mates long overdue. Tribal usage may make a place for surplus women either by sanctioning concubinage or by introducing polygamy, which, although never general, may be allowed to those who can bear it. At times infanticide may be a precaution against an excess of females. A group of the unattached may be set apart for religious observance. Almost universally the marriage bond is merged with other relationships; even where the matriarchate prevails in form wives may be personal property; often laborers for the fields come by way of marriage. Almost everywhere an imperfect definition of marital arrangements, an ease in the putting away of mates and a certain tolerance of irregularity confuse the line between the celibate and the marital estates.

Among hand cultured peoples celibacy claims an incidental toll of the operation of the marital institution. In China, where ancestor worship demands progeny, it is a curse whose cause is poverty. In India, where a human life must unfold, it is the ascetic state preceding marriage and the hermit life after its joys have been taken—or else an incidence of a caste system. In the Moslem world, where devotion does not deny the flesh, it is the visitation of Allah upon the demented and the deformed, the unfortunate and the unfit. As a voluntary condition it exists only in an occasional holy order. In the world of tool and craft, among the Incas and Athenians, in the Egyptian city and Chinese village, celibates are human bits outside the marriage system or persons consecrated to holy work. They are almost beyond the social pale or else they walk with gods.

It is communion with the gods which first gives to celibacy a distinct form. Priestly abstinence from marriage rests upon contagious magic. Like calls forth like; an offering of virginity appeases the gods of fertility. Among many peoples, the Aztecs for example, a sacrifice of maidens insures an abundant harvest; among others—the Romans are a case—a cult of vestal virgins gives a magical efficacy to a sacred rite. In like manner, where the office does not belong to a caste, here and there an order of unmarried priests appears. Its ranks may be made up of volunteers or conscripts; the initiates may be denied formal marriage, dedicated to perpetual celibacy or suffer a loss of vital organs. Strict continence may be enjoined or ceremonial indulgence allowed; many temples have their hordes of sacred prostitutes; cults of male harlots are not unknown. In time an appropriate manner of life is built up about the office. In priestly form celibacy is not for the sake of the celibates; it is a means of holding the good will of the gods.

As the priestly office distinguishes the celibate estate, self-denial gives it a value of its own. Ascetic celibacy has its root in an antithesis between the badness of material things and the goodness of the human spirit; the soul's salvation comes by way of an escape from the wicked world. In India, Egypt and the Hellenic countries its invitation to voluntary surrender drew holy men from the towns into lonely places; but it was amid the disintegration of the Roman Empire that it came to development. The world was going to ruin, only the City of God could endure; a stay on earth was a penitential out of which eternal life was to be won; its price was a renunciation of "the world, the flesh, and the devil." Woman was the source of evil desire, the ultimate in temptation, the symbol of all that was to be shunned. Even her eyes were dangerous; for "in the case of almost all who have fallen death hath entered by the windows." "Let him who is able endure it." Accordingly, hardy souls forsook urban distractions and family cares, work and cleanliness, lucre and women, and went into the wilderness. There each holy man, with resolute spirit set against imaginative mind and carnal body, lived out his allotted days.

In time the antisocial stuff of ascetic celibacy was converted into a social institution. In the East a monastery remained a common dwelling place; in the West even "the life alone" could not escape the touch of organization. A movement toward community came from within; where all were striving for perfection surely there might be mutual encouragement and brotherly counsel. Association quickly brought a demand for discipline. The brethren began to vie with one another in the saying of prayers, the mortification of the flesh, the heaping of charges of iniquity upon their own heads; in the rivalry they became vainglorious over their superlative meanness and humility; the life of denial had to be reduced to rule. Nor could the rulers of a rising papacy overlook a tremendous asset in the zeal of holy men. The ascetics came to be priests; the abbot, to fill an office in a vast hierarchy; the Rule of Saint Benedict, to comprise a code for a great order after which others were patterned; and the far flung monastic establishment with its tremendous resources, to constitute the most vital institution within a militant church. The novice no longer faced a clear cut issue of marriage or celibacy. He merely accepted celibacy as a condition of membership in a corporate body; in a disorganized society it was the price of a living, security and a chance at prestige and power. A new meaning was given to the austere vows of "poverty, obedience and chastity" by the amenities of monastic life. The monk remained a pauper, but the congregation had property; he had to obey, but his was a constitutional government; he was sworn to continence, but there was compensation in access to many good things. He had renounced a pagan world; he was given a place in an organized Christian society.

A product of monasticism was ecclesiastical celibacy. An unmarried clergy had long been an aspiration of the church. The spread of the monastic ideal prepared the way; the conversion of a vow, which awaits volunteers, into a rule, which may be enforced upon the unwilling, provided the instrument; the event was achieved by churchmen who had been monks. The arguments had long been at hand: the ministers of God should be free from the weaknesses of men; they who offered up the body of Christ in sacrifice should themselves be holy; priests should be fathers only to their people. The impulse was found in the vision of a spiritual dominion over all mankind—to which a priesthood bound by human ties offered a serious hazard. Marriage made the clergy like other men, loaded upon them domestic cares, divided their allegiance, led them to divert church property to family ends, made benefices hereditary and threatened to add to a feudal system another caste. The church had need of the ablest men to be had; their loyalty and devotion must be unquestioned and undivided; their aloofness from mankind must give might and power to the priestly office. A fourth century rule, laxly administered, forbade marriage in orders; in the eleventh century a universal rule of clerical celibacy began to be strictly enforced. The result was a triumph alike for the ascetic and the theocratic ideals.

An enforced celibacy invited a protracted clash between a natural appetite and ecclesiastical authority. It involved the sacrifice of an insistent want to the necessities of an institution; it denied the right of fatherhood in a landed society in which family was the first of values. The commands were given by men who either lacked sex experience or possessed knowledge sinfully acquired; the effects of celibacy upon the individual and its incidence upon the community were overlooked; the interest of the church was put above even ascetic values. For a long time lapses from continence were of common occurrence; priests lived in unions which were marriages in all save name; a substitute was found in clerical concubinage; casual and irregular attachments were numerous. At length the Reformation divided the church, broke down the rigid line between priests and laity and opened marriage to a Protestant clergy. In the Catholic church today a voluntary priesthood makes celibacy a matter of choice and a voluntary withdrawal provides an escape; a mediaeval regularity has had to await a modern world for its practical victory. In the universities, once an outlying province of the church, professorships were long ago opened to the married; a vestige of clerical celibacy lingers in a reservation of fellowships to persons whose single estate insures an uncompromising devotion to study.

An institution as dominant as religious celibacy could not be self-contained; it exercised a profound influence upon Christian marriage. The setting of body over against spirit made a riddle of the union of the sexes; without births there could be no souls to be saved, yet man was "conceived in iniquity and born in sin." In the early church, logic made its peace with human nature; marriage fell short of the Christian ideal but was to be tolerated as a proof against fornication. In time it became a sacrament, "a symbol of the union of Christ and his church," and was brought under ecclesiastical control. To the church, the great agency of order in a turbulent age, the individual values of love were of no account, the social values of matrimony of great significance. Accordingly, marriage was reduced to its simplest terms; it was to be a single union for life between one man and one woman. The members of the holy estate were to discipline desire, practise continence as circumstance demanded and use sex communion only for procreation. As far as unlike could respond to like, marriage was to conform to the ascetic ideal.

So long as agriculture and the crafts prevailed secular celibacy was largely adventitious. The church had placed its blessing upon marriage and God had commanded mankind to "be fruitful and multiply." The state needed soldiers and taxpayers; economic theory and statecraft found a national asset in a large population. The industrial system was built about the family; estates, holdings and trades were hereditary. Sons and daughters were an asset; "as arrows are in the hand of a mighty man, so are the children of youth." The bachelor was frowned upon as one who had failed in his duty; the spinster was looked upon as an unfortunate being who had missed her last chance. She was homeless, yet her place was in the home; so she became a superior menial, an outer member of the family circle of father, brother or married sister. The unattached were largely the overlooked, persons who shrank from responsibility, the discards, victims of unfortunate flames, lonely souls true to lovers who had died. A good life, with proper independence and companionship, was hard to contrive; the unmarried were semi-isolated individuals living on the fringe of a familial society.

The industrial age has given to secular celibacy its opportunity. It has created a mobile individual, half free of the restraints of church, class and community. In the fluid life of today family name has a declining value; in a world of job and pay envelope children are a liability. A long period of training, slow advancement, an arrested ability "to support a wife," delay wedlock; the early separation of a youth from his family forces him to fend for himself; a deferred marriage, which imposes its cost, must take its chance against competing comforts and vanities. An excess in number, man's habit of mating with his junior and the growing popularity of bachelorhood impose celibacy upon an increasing complement of women. Yet the individual, unlike her sister of another age, may weigh the joys and discomforts of marriage against a position, an income and a life of her own without a husband's leave. Circumstance may swell the ranks, but spinsterhood is becoming more and more a voluntary choice. The secular celibacy of an industrial age is individual and social. The celibate lives in society; within its limits of tolerance he must find out his own way of life.

The modern estate of secular celibacy confronts its members with a delicate problem in adjustment. They are formally committed to continence, yet they are bound by no vows and live under no order. Each must for himself face the issue of the effects of abstinence, once considered good but now questioned, upon health, mind and personality. The repression of desire has an incidence in dream life and monadic practise, the human cost of which is not surely known. In the cloister the imagination was directed into institutional channels; the cult of the Virgin flourished among monks; the vow and the veil made of nuns brides of Christ. Today the suggestive talkie and the magazine of confession are a sap to unsatisfied sex appetite. It remains to be seen whether a passion denied its proper outlet can be sublimated in the varied round of contemporary activities. An escape from continence entails a clash of values. The technique of birth control divorces love life from procreation; as a result the sex union ceases to be affected with a public interest. The city, not so curious about private life, relaxes the discipline which the neighborhood exercises over its members. An unsanctioned union, known as the companionate, takes from celibacy its greatest deprivation. For the individuals, all things considered, departure may be "the better part"; but it has offsetting costs in conduct which runs counter to an established code and in a failure to avow an intimate relationship.

At present secular celibacy is far from established. It rests upon a cultural fault line between modern circumstance and mediaeval idea; it is peculiarly dependent upon the future of matrimony. The urge toward mating has been too strong to be pent up completely within so elementary a formula as Christian marriage; the state has in divorce provided an escape from irksome unions. At present the very conditions which are keeping men and women out of wedlock are making for a revision of marital arrangements. The declining value of ancestral name, the economic independence of women, the divorce of industry from the family, the disentangling of sex life from reproduction—all these are disturbing the balance between social and individual values in Christian marriage. Since men and women differ in their urges and their preferences a comfortable celibacy which can bring marriage to terms will continue to claim its votaries. But as an ancient institution responds to modern necessity it will still attract many unwilling to take the sterner chances. The spreading domain of celibacy is not to lose its character; it is to remain a voluntary order for the elect, a condition of waiting for the hopeful and a residual estate for the unfortunate.

Walton H. Hamilton

See: Marriage; Social Organization; Sacrifice; Religious Institutions; Priesthood; Monasticism; Asceticism; Chastity; Sex Ethics; Concubinage; Divorce.

Consult: Sumner, W. G., and Keller, A. G., *The Science of Society*, 4 vols. (New Haven 1927–28) vol. iii, p. 1538–43, vol. iv, p. 230–31, 638–40, 843–44 and 1168–69; Bocquet, L., *Le célibat dans l'antiquité* (Paris 1895); Grasserie, Raoul de la, *Psychologie et sociologie du eunuchisme et du célibat* (Paris 1912); Lea, Henry C., *History of Sacerdotal Celibacy in the Christian Church*, 2 vols. (3rd ed. New York 1907); Theiner, J. A. and A., *Die Einführung der erzwungenen Ehelosigkeit bei den christlichen Geistlichen und ihre Folgen*, 2 vols. (Altenburg 1828); Bocquet, L., *Le célibat ecclésiastique* (Paris 1895); Coulton, G. G., *Five Centuries of Religion*, Cambridge Studies in Medieval Life and Thought, vols. i–ii (Cambridge, Eng. 1923–27) vol. i, p. 262–67; Zaccaria, F. A., *Storia polemica del celibato sacro* (Rome 1774); Briffault, Robert, *The Mothers*, 3 vols. (New York 1927) vol. iii, p. 367–68; Mowrer, E. R., *Family Disorganization*, University of Chicago, Sociological series (Chicago 1927).

CELTIC LAW. *See* Law.

CEMENT is a term used in a rather broad sense colloquially and technically, but it is restricted in engineering to the hydraulic cements which possess the property of hardening under water. All of these, however made, are composed chiefly either of lime silicates or lime aluminates or of both. The principal among these is Portland cement, an artificial product invented about 1818 in France and now made in large quantities in many countries.

Of all the hydraulic cements now known only one, puzzolan cement, was ever used during ancient or mediaeval times. Ancient masonry constructions in all countries were made either of brick or rough stone, set commonly in lime mortar, or were, as the great cathedrals, constructed of cut stone held in place merely by its weight and the perfection of the cut surfaces. Only in ancient Rome was the use of puzzolan cements established; these were made by mixing slaked lime with volcanic ash or *pozzuolana*. The industry still exists on the flanks of Vesuvius.

Many Roman bridges, aqueducts and roads and some great Roman buildings employed puzzolan cement. But over western Europe lack of known local raw materials prevented its use, and during the Middle Ages hydraulic cements were practically unknown and unused. Toward the end of the seventeenth century the epoch of fortress construction led to interest in more resistant mortars than ordinary lime, and products were discovered which gave results closely resembling the Roman *pozzuolana*. About 1800, when canal and highway construction was coming into prominence, French and English engineers and chemists were actively searching for deposits of naturally impure limestones, which when burned and ground would yield good hydraulic products. In the United States similar search, stimulated in every instance by the immediate necessities of some local canal construction, led to the discovery and development between 1818 and 1840 of natural cement districts such as the Rosendale and Buffalo fields in New York, the Lehigh region in Pennsylvania, the Cumberland and James River districts of Maryland and Virginia. Their development led to the growth of the natural cement industry, which for many years supplied cement primarily for public works, bridges, railways and fortifications. It continued to expand until it attained its maximum output of almost ten million barrels in 1899. By this time the natural cement had come into sharp competition with the newer growing Portland cement industry, and in the following year the production of Portland cement for the first time exceeded that of natural cement. Thereafter the natural cement industry, failing to take advantage of modern technology, gradually declined and became unimportant in the United States and in every other leading industrial country except France.

A few decades after natural cement came into use in Europe, Portland cement was invented almost simultaneously by Vicat in France in 1818 and by Aspdin in England in 1824. This industry did not start in the United States until 1785. Portland cement manufacture consists in making a synthetic chemical product from rather simple raw materials—limestone and clay—by the free use of heat and mechanical grinding. The greater strength and uniformity of Portland cement gave it technical advantages over the older naturals and its industrial life coincides with the great eras of railway expansion, of port and dock improvements, of concrete steel building construction and of modern highways. In 1930 its three leading uses in the United States in order of importance were: for concrete for roads and streets; for structural concrete for commercial, industrial, public and private buildings; and for various farm purposes. It furnishes the massif of all our modern construction and is intimately allied to all recent progress in transportation systems, housing developments and manufacturing plants.

During the last century cement has been associated definitely with, and has indeed in some periods conditioned, the development of the varying stages of industrial and social progress. Neither the growth of large cities nor the spread of modern transportation systems would have been easily possible without the use of a strong construction material cheaply made and easily transported and laid. Together with steel and glass, cement has made possible the creation of a new and distinctive type of architecture.

The spread of industrial civilization into less developed countries has been accompanied, and in fact in most cases preceded, by the use of cement. This process has generally involved the construction of port works, of rail or highway lines, of mine or mill buildings and eventually of city office or dwelling construction. In all these stages cement has been of fundamental importance. The first cement so used in the less industrialized countries has been generally imported from one of the older areas; for the manufacture of cement, even in a relatively small unit, requires large capital, steady operation and abundant fuel supply. So also the inception of the cement industry in such countries is directly a function of the introduction of foreign capital and construction works. When a country has promised industrial development, cement manufacture has been taken up locally, often by those responsible for the original port, railway or dam constructions, provided of course that suitable raw materials, including fuels, are easily available. In a number of instances cement companies in the leading cement producing nations of the world have established plants of their own in industrially backward countries.

The Portland cement industry has been characterized by very rapid development. The rate of this growth in the United States is indicated in the following table:

PORTLAND CEMENT OUTPUT IN THE UNITED STATES, 1880–1927

YEAR	QUANTITY (BARRELS)
1880	42,000
1890	335,500
1900	8,482,020
1910	76,549,951
1920	100,023,245
1927	173,206,513

Source: United States, Bureau of Mines, *Mineral Resources of the United States*, pt. ii, *Non Metals*, for 1924, p. 358–59, for 1927, p. 273.

The world's production of cement, chiefly Portland cement, reached in 1930 the total of some sixty-five million tons annually. Of this the United States makes about thirty million tons, a little less than half the world total. Germany follows with some seven millions, France comes next with over five, and the United Kingdom is fourth with just under five millions. There are no close competitors to these four nations; Japan, Italy and Belgium are the nearest, with about two and one half million tons each. Some thirty-five other countries combined make up the remaining ten million tons. This summary brings out strikingly the close relationship between the general industrial status of a country and the development of its cement industry.

The problem of international trade in cement is concerned with other factors than output, since it is based primarily on price competition. Export shipment of cement normally involves cheap fuel, cheap labor and cheap transport to a much greater degree than in the case of products of greater specific value. Of these three items the term fuel commonly means coal; other fuels are in local use but do not affect the export markets to any appreciable extent. The labor in cement mills is chiefly unskilled and in most countries is not unionized; the term "cheap labor" may imply low wages per hour or a low wage cost per ton. Cheap transport implies in most cases water transport and the importation of some bulk staple in constant demand needed by the cement exporting country. Finally, the creation of a steady export trade in cement implies surplus production, due to present or earlier supplies of cheap capital in combination with the factors noted above.

In view of these conditions it can easily be understood that despite its vast production the United States normally exports little cement, a mere unimportant fraction of its total output at most, and that Great Britain and Germany export steadily on a larger scale, varying chiefly with their own current trade conditions. France, in spite of a large output, exports little. Belgium, with a far smaller output than any of those so far named, exports constantly and in large amounts. In this last case all the export requirements are met: excess capacity, cheap capital, cheap fuel, modern equipment, low wages and cheap transport. The export tonnage is directed of course toward whatever country or region offers the best current market; any serious disparity in wage or prosperity level suffices to create a temporary and perhaps permanent flow.

The organization of the cement industry in any country depends on two unrelated sets of factors, one technical and the other legal. In the first group we have the simple facts that cement raw materials are widely distributed naturally, that their deposits have of themselves no great money value, that the product is sold at a low price per ton (averaging only about ten dollars as against twenty for pig iron) so that transport charges weigh heavily. All these factors tend to prevent the formation of great cement centers such as are common in the iron trade. It is normally cheaper to make cement near its best markets; and it is commonly easy to find good raw materials near them. Thus in place of a few great mills owned by a few great companies, as in the steel industry of most countries, we find the cement industry commonly represented by a very large number of relatively small mills and scattered widely over the national territories. The thirty million tons output of the United States, for example, is made by over one hundred sixty mills owned by at least eighty separate corporations. Similar conditions as to the number of mills and comparatively small average size of the individual operation exist in other countries; the maximum of dispersion and division is to be found in France.

The number of controlling corporations is of course a different matter, since it is influenced largely by the varying legal policies of different countries. But regardless of laws the incentives to intensive integration in the cement industry are relatively small, since an industry with widely scattered units offers little economic saving if placed under single control. Aside from the underwriting and speculative profits of a flotation there are few strong reasons for buying mills which must always remain geographically far apart.

In countries such as Germany and Belgium, where cooperative sales agencies or cartels are legal, they are the means usually adopted to secure price control by otherwise separate manufacturing units. The cartels seem in each case to have had fair control over export prices and tonnages for most of the post-war period. This has been due less to the strength of the cartel idea itself than to the fact that both Germany and Belgium have been shipping into prosperous markets. With a product whose raw materials are so common as those for making cement it is obvious that even a brief period of successful marketing induces the building of new mills to share in the profits of the cartel. In any period of declining prices abroad the export cartel fails to function and the stronger companies withdraw to act independently.

In Germany practically all the cement manufacturers of any importance belong to three large cement associations, among whom the country is divided. These associations attend to matters concerning limiting sales, apportioning government orders and supplying raw materials. Over the associations is the Deutscher Zement Bund, which in conjunction with the national commissary for cement fixes prices in each of the three association territories, issues export permits and settles questions arising between the associations. There are also four German cement associations which carry on technical research, test members' output to insure conformity to scientific standards, disseminate information to members and forward the general interests of the trade.

In Great Britain and Canada, where cartels are illegal or extralegal but monopoly through direct ownership is legal, the cement industry in each instance has fallen almost entirely into the hands of one large corporation. The corporations which control the bulk of the national cement output in each of these countries have succeeded in holding interior prices at relatively high levels. This has necessitated in each case buying out threatened competition, a process which cannot be continued indefinitely, but which has so far assured the commercial and stock market success of the combinations involved. In Great Britain over 75 percent of the Portland cement output is controlled by the Associated Portland Cement Manufacturers, Ltd. This organization and the British Portland Cement Manufacturers, Ltd., which it dominates, are amalgamations of a large number of previously independent companies. This combine was begun before the World War. Another organization, the Cement Makers' Federation, including in its membership the manufacturers of about 90 percent of cement made in the United Kingdom, deals with labor questions, fixes minimum prices of cement to be sold by its members within the British Isles and regulates retail prices through a rebate system. Another interesting feature of the British industry is that a number of cement plants are owned in whole or in part by coal companies. This is due to the tremendous quantities of fuel which are needed for cement production.

In the United States, where neither price agreements nor monopolies are held legal, the actual status of the cement industry is less clear. Local cooperative sales agencies or organizations were common enough during the growth of the natural cement industry, but with the later period of public interest in trusts such methods became inadvisable as well as illegal. The development of the American Portland cement industry has taken place, therefore, during a period of uncertainty with regard to the feasibility of price control by agreement or direct ownership. At the outset this was relatively unimportant, for from the inception of the industry up to the panic of 1907 there had been little necessity for overcompetition between American Portland cement companies. During these thirty years it had indeed been chiefly a question of building mills fast enough to supply a steadily growing demand at good prices. But the overpromotion of mills during the years 1905–07 led to overcompetition when they all came into operation on a badly depressed post-panic market. From 1907 to about 1915 price wars and bankruptcies were fairly common in the cement industry, interrupted spasmodically by local and illegal attempts at price control. One attempt in 1906–08 of somewhat broader outlook than the average was carried on under shelter of a group of patents. It failed chiefly because the attempt to control prices was mixed with a more individual attempt to make money out of the patents. At its height the association controlling the patents represented 70 percent of the United States Portland cement industry.

In 1908 the industry was dominated by nine separate groups of companies. Some combined plants in one region; others controlled them in several market areas. Groupings of these sorts have continued, although there have been some changes. Since the World War most of the larger companies have acquired plants in more than one section of the country in order to increase the areas over which they could profitably market their products. In 1930 the four largest companies together had about one third of the entire national capacity; the United States Steel Corporation alone controlled a sixth to a fifth of the national production. The steel corporation has produced cement as a by-product from slag since the beginning of the century, and its own cement producing subsidiary has grown up to second or third rank. In 1930 it acquired what was previously the largest cement company in the country, thereby somewhat increasing its market area. In this step it may have felt or visualized the competition between cement and steel.

Trade associations have also played an outstanding part in the organization of the United States Portland cement industry. The Portland Cement Association, whose membership produces over 90 percent of the Portland cement output of the country, has had as its main functions since its inception in 1903 the increase of the sales and the improvement of the quality of cement. The Cement Manufacturers' Protective Association, organized in 1916, has carried on many of the activities of an open price or open competition trade association. It has gathered from its members and disseminated among them information concerning "specific job contracts" for future deliveries of cement to avoid spurious orders and the breaking of contracts, information as to "specific job contract" prices, credits, freight rates on cement, production, stocks of cement and clinker on hand, and shipments. It is uncertain to what extent these associations have influenced production and prices. In 1924, however, the United States Supreme Court held [268 *U. S.* 588] that the activities of the latter did not constitute unlawful restraints upon commerce. Various cement associations in conjunction with engineering societies and the federal government have been responsible for the establishment of standards in the industry.

Since 1915 production has ranged from 52 to 85 percent of the total productive capacity of the Portland cement mills of the country. During these years there has been little competition in price or quality, a "standard" Portland having been supplied in quantities never in excess of the current market requirements. This is possible, of course, only if the producers exercise proper self-restraint, since there are no legal methods of enforcing cooperation along these lines in the United States. During the past few years, however, there has been the beginning of manufacture of cements of better than "standard" grade at somewhat higher than standard prices.

The Portland cement industry is on the whole highly mechanized. In the United States it uses more than half again as much horse power per wage earner as the combined iron and steel industries. As a result the great majority of its 36,322 wage earners in this country are unskilled. All but a few of them are males. Most of them work in an atmosphere filled with cement dust. While this does not produce any of the sensationally fatal results found in most of the other dusty trades, it affects the upper respiratory system and furnishes an extremely unpleasant working environment. The digestive systems of cement workers are also affected adversely, and an unusually high percentage of the workers are troubled by deafness and skin diseases. The rate of two-day and longer absences among cement workers is much greater than in most other industries.

The hours of American cement workers average about sixty-one per week. The two-shift system of eleven or twelve hours seven days a week (seventy-seven or eighty-four hours a week) exists in about half the Portland cement plants of the country in such departments as the raw and clinker grinding and coal mill departments, where technological considerations require continuous operation. A considerable number of plants, however, have since the World War changed in these departments, where the heat is generally extremely great, to a three-shift system of eight hours, seven days a week (fifty-six hours per week). But plants still exist in which the night shift works ninety-four and one half hours a week in these departments. Nevertheless, the hours of most of the workers in the quarry and packing and some intermediary departments, comprising almost two thirds of the cement workers, are not as excessive as in the continuous operation departments. The plight of American cement workers has been accentuated by the almost entire lack of trade union organization among them.

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See: ENGINEERING; CONSTRUCTION INDUSTRY; IRON AND STEEL INDUSTRY; ROADS; WATERWAYS, INLAND; URBANIZATION; ARCHITECTURE; MONOPOLY; CARTEL; TRADE ASSOCIATIONS; CONTINUOUS INDUSTRY.

Consult: Eckel, E. C., *Cements, Limes and Plasters* (3rd ed. New York 1928); "International Trade in Cement" in United States, Department of Commerce, Bureau of Foreign and Domestic Commerce, *Trade Information Bulletin*, nos. 205, 213 and 220 (1924); Aschpurwis, Paul, *Die Konzentrationsbewegung in der deutschen Zementindustrie* (Aschaffenburg a.M. 1928); Eckel, E. C., *The Portland Cement Industry from a Financial Standpoint* (New York 1909); "Manufacturing" in *Industries of America*, ed. by Malcolm Kier, 2 vols. (New York 1928–29) vol. i, p. 495–519; Willis, H. P., and Byers, J. R. B., *Portland Cement Prices* (New York 1924); Fetter, F. A., "Economics and Portland Cement" in *American Economic Review*, vol. xiv (1924) 649–57; Seager, H. R., and Gulick, C. A., *Trust and Corporation Problems* (New York 1929) p. 326–31, 453–65; "Health of Workers in a Portland Cement Plant" in United States, Public Health Service, *Bulletin*, no. 176 (1928).

CENSORSHIP is the policy of restricting the public expression of ideas, opinions, conceptions and impulses which have or are believed to have the capacity to undermine the governing authority or the social and moral order which that authority considers itself bound to protect. Censorship is sometimes confused with tabu, but the distinction between the two concepts is clear, although their relations within the social process are close. Censorship is a conscious policy; it may be enforced without the assent of the greater part of society. A tabu enters intimately into the scheme of feelings of those who entertain it. The tabu is particularly effective in self-control; when it is applied by group action to those who do not entertain it, such action is generally spontaneous and unreflective. Censorship may, however, set out from tabu as a premise of action. The horror of blasphemy is of the nature of a tabu; censorship may repress blasphemy as inimical to a smoothly operating social order. If the tabu against blasphemy disappeared censorship would no longer concern itself with its suppression.

Censorship may be exercised by the political or by the religious authorities, or even by private persons who take upon themselves a quasi-official position in respect of the enforcement of accepted censorship policies. The censorship of political expression has generally been a function of the political authorities; that of religious expression has been a function of the church; while moral censorship has involved not only the combined activities of state and church but also the active participation of private persons. But in this realm it is unsafe to draw hard and fast distinctions. There is a natural tendency in any form of censorship to identify its interests with those of other forms. The animus of the traditional minded Athenians against the teachings of Socrates may have been primarily religious, but moral and political motives were skilfully woven in. The censorship in czarist Russia was primarily aimed at the suppression of subversive political ideas, but the autocracy was solicitous about identifying its interests with those of the church and of sound morality; the "Little Father" was a symbol of orderly and loyal family life. In the western censorship of Bolshevik communications a systematic and on the whole successful effort has been made to identify the political subversiveness of Bolshevism with irreligion and immorality.

The most important applications of censorship have been to the spoken or written word; to action as represented in the theater, pantomime and dance; and to the plastic arts. Censorship of attire, as at public bathing beaches and on the stage, has assumed importance only in the last half century.

The scope and methods of censorship vary according to the social order it seeks to defend and the nature of the attack. When a religion is predominant and under fire, blasphemy and heterodoxy are prohibited. When the state is in the ascendant, treason is suppressed. When the industrial order is firmly established, "radicalism" may be a favorite object of censorship.

In classical antiquity censorship appears to have been applied only sporadically. Sparta placed a ban on the forms of poetry, music and dancing current in the fifth century B.C. on the ground that they induced licentiousness and effeminacy. Aeschylus, Euripides and Aristophanes suffered under a censorship because of their too free thought on religious matters. In republican Rome the theater was banned by the censor, except on the occasion of certain games, where a time honored tradition of license in speech and gesture gave a limited degree of freedom to dramatic art. No permanent theater was permitted in Rome before the time of Augustus. There is no clear evidence of a censorship of books either in Greece or Rome. The poet Ovid was indeed banished to the shores of the Black Sea by Augustus, and it has often been asserted that the grounds for his banishment lay in his licentious poems. But the poet himself points out (*Tristia*) that other poets were circulating with impunity even more licentious verses. In the first century A.D. the Roman political writer had to be on his guard against the hostile attention of the tyrant, and according to Tacitus free expression of opinion on matters of current history virtually disappeared.

The earliest and most sweeping censorship of the Christian church is probably that contained in the Apostolic Constitutions, which purport to have been written by St. Clement of Rome at the dictation of the Apostles. These constitutions forbid Christians to read any books of the Gentiles, "since the Scriptures should suffice for the believer." This general prohibition of St. Clement (*circa* 95 A.D.) was followed by a long series of prohibitions issued by the early church fathers. In 325 edicts were issued by the Emperor Constantine and prohibitions by the Council of Nicaea against the writings of Arius and Porphyry. The emperor prescribed the death penalty for anyone who might conceal copies of the forbidden works. In 399 the Council of Alexandria, presided over by Bishop Theophilus, issued a decree forbidding the owning or reading of the books of Origen. The Egyptian monks protested and the bishops were obliged to call in the prefects to enforce the edicts. In 446 Pope Leo I ordered the destruction of a long series of writings described as out of accord with the teachings of the synods of Nicaea and, therefore, antagonistic to the Christian religion, and added further, "whoever owns or reads these books is to suffer extreme punishment." In 499 Pope Gelasius issued what was later referred to as the first papal index. It presents a catalogue of books prohibited, but the prohibitions regard not private or general but public or official reading.

Writers during the Middle Ages submitted their manuscripts to their superiors as a matter of courtesy and as a precaution against later censure. When the rise of printing and the growth of culture increased the numbers of authors, ecclesiastical authority demanded formal censorship. In 1501 Pope Alexander VI issued a bull against unlicensed printing and thus introduced the principle of censorship in this sphere. This policy, directed exclusively against books, was intended to protect the church against heresy and was accepted by all countries under the jurisdiction of the church of Rome. The Scottish Estates in 1551 prohibited all printing of every description unless previewed by authorized persons. In England the privilege of printing was confined to the Stationers' Company, which was chartered in 1556. The code of 1586 restricted printing in England to London, Oxford and Cambridge, limited the number of printers and ordered all books to be read, previous to publication, by the Archbishop of Canterbury or the Bishop of London. In 1690 Richard Pierce printed *Publick Occurances* in Boston for Benjamin Harris. The legislative authorities promptly forbade further printing without license.

Until religious drama began to be obsolete in England, the stage was controlled and censored by the church; since then the Master of Revels, the Privy Council, the Star Chamber and the lord chamberlain have been successively in charge of the censoring of plays. The lord chamberlain was active by 1628, and he received statutory authorization in 1727. It was Jeremy Collier who in 1698 by his *Short View of the Immorality and Profaneness of the English Stage* firmly established the censorship principle.

Censorship may take the form of an examination of material in advance of publication and its suppression if disapproved. This is known as preventive censorship, in contrast to punitive censorship, which inflicts penalties after the offense and seeks to destroy the offending material. The censorship of antiquity was punitive, while that of the mediaeval church and of early modern times was in general preventive.

In 1693 the government of England formally abandoned the preventive censorship of printing and began the punitive. No one was to be prohibited from publishing anything, but he must run the gauntlet of possible prosecution for slander, sedition, immorality and blasphemy. Blackstone states that "the liberty of the press . . . consists in laying no previous restraints upon publications and not in freedom from censure fot criminal matter when published." The amount of substantive freedom obviously depended upon the current conception of criminal matter.

Preventive censorship has been kept alive in England for the control of the stage. In France it has played a considerable part in the handling of political material. All cable messages from Soviet Russia must be passed by the censor; preventive censorship has been freely applied to dispatches from Fascist Italy. Even where there is no officially acknowledged censorship on material sent abroad a foreign correspondent often finds it expedient to submit his dispatches to the foreign office for approval, lest he be denied access later to important sources of information. In America powerful religious and business organizations sometimes exercise what is virtually a preventive censorship over the press. In general, however, the volume of material coming to the printing presses has become too vast to be examined by any censorship in advance of publication. Any practicable censorship must be punitive, except in times of war, when the necessity of depriving the enemy of sources of information demands a huge expansion of censorship personnel.

While political censorship has played an important part throughout modern times, especially in periods of great political upheaval, the dominant concern of censorship has been the suppression of material and activities presumed to have a degrading effect upon public morals. This preoccupation of the censor with problems of sexual morals has as a rule appeared simultaneously with the rise of the middle class to political dominance. Autocratic and aristocratic governments have seldom applied censorship to such matters as licentious books, pictures or plays. Neither does it appear that the one existing example of a proletarian government, Soviet Russia, takes this issue very seriously. A plausible explanation lies in the fact that the middle class position can be maintained through generations only by thrift, prudence and self-control—virtues that are believed to be seriously shaken by licentious communications. In England, France, the Netherlands and Germany the antagonism of the middle class to aristocratic licentiousness exhibited itself in diatribe and sermon long before the bourgeoisie attained a position of political dominance.

Censorship of morals in the late eighteenth and early nineteenth century lacked any definite statutory basis. In any specific case the police might intervene in the interest of public order. Obscene publication or exhibition was early a crime under American common law, and statutes dealing with the matter were enacted in Vermont in 1821, Connecticut in 1834, Massachusetts in 1835. In England the principle of censorship was definitely established in 1857 by Lord Campbell's Act, under which a magistrate or the chief of police might issue a search warrant upon presentation of an affidavit that obscene publications were being sold or held for sale in certain premises. In 1868 a decision by Lord Chief Justice Cockburn gave a clearer degree of definiteness to the crime of obscene libel. A Society for the Suppression of Vice had been organized in 1802, and for a time exhibited considerable activity in bringing pornographic literature to the attention of the police. A vastly more active society was organized in New York in 1873 under the leadership of Anthony Comstock. This society was chartered under a special act of the New York legislature; its agents were given rights of search, seizure and arrest. Within a few years similar societies were organized in other states; of these the New England Watch and Ward Society won the widest public attention.

Under an act of 1873 the Post Office may refuse to transmit through the mails matter which it pronounces obscene. The Tariff Act of 1842 prohibited the admission of obscene books through the custom house; similar provisions have been incorporated in later tariff acts, including that of 1930.

The obscene picture, book or spectacle, pornographic in character and intent, is generally considered as open to legitimate censorship. But any administrative description of such matter which is definite enough to guide the action of police officers will at the same time apply to works of art, often of great genius and vital moral worth. The moral censorship through the nineteenth and twentieth centuries has been notable for the prosecution of famous works of art, such as Flaubert's *Madame Bovary* and Hardy's *Tess of the d'Urbervilles*. In America under one jurisdiction or another many books of outstanding literary merit have been subject to censorship. So universal has been the stupidity of censorship in dealing with works of art that even many of those who believe in the importance of suppressing pornography have come to view censorship as on the whole an undesirable institution.

Often more effective results are secured by relying upon a "voluntary" censorship than by depending upon a compulsory one. Usually the "voluntary" arrangements have been perfected in the hope of averting greater interferences. The newspapers of the United States, England and several other countries organized "voluntary" censorships during the Great War. The moving picture industry and the stage have imposed restrictions upon themselves. The National Board of Moving Picture Censors was accepted by the producers, and they also took into association with them an official who was supposed to standardize productions in such a manner as to lessen the vulnerability of the enterprise to regulative attacks. Libraries and booksellers have sometimes undertaken to censor books, declaring that they would not circulate books "personally scandalous, libellous, immoral, or otherwise disagreeable," and endeavoring to secure the cooperation of publishers. Private groups have often sought to intimidate the producers, distributors and the public; such has been the technique of the vice leagues, the Ku Klux Klan and many pressure organizations. The Daughters of the American Revolution and various industrial, racial and religious groups have "blacklisted" speakers and protested against cartoons, headlines, editorials, posters, plays and books which reflected against their organizations. There have been "letters to the editor" or manager, delegations of protest and withdrawal of financial support. Preachers, teachers, editors, reporters and members of all the articulate trades and professions have been targets for everything from simple criticism to instigated violence.

In general it may be said that censorship technique demands that censorship shall be applied as unobtrusively as possible. The German authorities would not permit their newspapers to appear with the blank spaces which so often marred the French press, or with the inked columns which were once so common in

Russia. Codes of practise have been developed to facilitate the administration of censorship regulations; the official rules of censorship for the German press, published in 1917, went into profuse detail in prescribing rules for the elimination of anything detrimental to morale.

Every censorship produces a technique of evasion as well as a technique of administration. The Petrograd *Dien* (Day) was suppressed by the Communists, and immediately reappeared as *Notch* (Night). Clemenceau circumvented the order suspending his paper, *L'homme libre*, by rechristening it *L'homme enchaîné*. *La lune* was suppressed by the censor and passed into *L'éclipse*. In the continuous matching of wits the purveyors of dangerous material often come out ahead. A radical democratic paper in Germany had much trouble with the authorities during the war. On the anniversary of Bismarck's birthday it came out with a huge headline, "Bismarck's Greatest Day," and was passed by the censor. The article said that his greatest day was when he urged a peace of moderation against Austria and created an important precedent for the rulers of Germany.

Great skill and ingenuity have been lavished on the secret printing and distributing of journals banned by the censor. A Russian printing office in London published the *Bell* and it is reported that Alexander II was an assiduous reader of the paper. The successive waves of ecclesiastical and political persecutions in France led to the growth of a large clandestine press both inside the country and in Holland. The "gazettes of Holland" were famous in the eighteenth century and later. During the war *La libre Belgique* was remarkably successful in eluding authority. In 1890 the German Index Expurgatorius contained the names of a hundred and forty-three German newspapers and foreign journals and periodicals of socialist tendency, and a huge smuggling system arose for the transporting of socialist literature into Germany.

It is universally conceded that the censorship which draws publicity to an "evil" thought is a clumsy censorship, and that obstruction should be imposed near the source. Moreover, it is a notorious fact that censorship or the threat of censorship may make the fortune of a book or play which might otherwise have failed to win public attention. Various authors, publishers and theatrical producers have been popularly charged with deliberately presenting their work in a form to challenge the attention of the censor and to win the *réclame* of a prosecution.

It is a moot question whether censorship can actually attain important ends in the complicated circumstances of modern life. The military censorship during a war, supported as it is by universal patriotic fervor, may succeed in depriving the enemy of much miscellaneous information that might be useful and in protecting the civil population against the discouragement that would follow upon an exact account of national weakness and enemy strength. Political censorship, as in czarist Russia, may for a long time force reform movements underground. The resultant security of the established order may, however, be wholly deceptive. By suppressing reform the censorship may transform it into a revolution.

Similarly the apparent victories of censorship in the field of morals are likely to prove vain in the long run. New opinions in morals may yield to transient restraint, only to plunge forward resistlessly. What appeared daring and deserving of censorship in one decade becomes commonplace in the next. It does not follow that censorship is necessarily doomed to failure; but it is evident that the problem is more difficult, and the technique required more subtle, than believers in censorship will admit.

HAROLD D. LASSWELL

See: SOCIAL PROCESS; CONFORMITY; INTOLERANCE; MORALS; SEX ETHICS; APOSTASY AND HERESY; BLASPHEMY; PURITANISM; REFORMISM; CONSERVATISM; ANTIRADICALISM; BLUE LAWS; SUMPTUARY LEGISLATION; OSTRACISM; BLACKLIST; ESPIONAGE; ALIEN AND SEDITION ACTS; POLICE POWER; DRAMA; MOTION PICTURES; RADIO; PRESS; AMUSEMENTS, PUBLIC; CIVIL LIBERTIES; FREEDOM OF SPEECH AND OF THE PRESS.

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CENSUS. In the modern sense of the term a census is primarily an official enumeration through direct visitation of all the people either physically present or regularly residing in a country or in any of its subordinate divisions. An enumeration of all persons physically present is a de facto census; one confined to residents, like the census of the United States and its subdivisions, is a de jure census. A natural extension of the enumeration makes it include the collection of various data concerning the persons enumerated, such as race, sex, age, marital condition, etc. By extension in another direction the unit observed has been changed from one person to one farm, resulting in a census of agriculture, or to one manufacturing establishment, resulting in a census of manufactures.

The term census is borrowed from a Roman institution of a quite different character. The Roman census was a register of adult male citizens and their property for purposes of taxation, the distribution of military obligations and the determination of political status. This register, although subject to periodic revision, was essentially continuous, unlike the modern census which attempts a complete enumeration at a particular point of time and has no direct relation to any previous enumeration.

A census, being a sort of photographic record of a population group at a given moment, resembles a periodic taking account of stock in a business. Such an account needs to be supplemented and checked by a record of transactions during a period of time, usually a year. The scientific importance of a census lies in large part in the fact that it furnishes the needed basis for a study of changes in the number of people through births and deaths, immigration and emigration, and of changes in their status through marriage and divorce.

Scientific interest in the application of the numerical method to the study of population groups seems to have been undeveloped in the ancient world. The main roots of population statistics hardly run back beyond the second half of the seventeenth century. In 1661 G. B. Riccioli published in Italy his *Geographiae et hydrographiae reformatae libri duodecim* and in 1662 John Graunt published in England his *Observations on the London Bills of Mortality;* Riccioli made the first serious attempt to estimate the population of the earth, and Graunt, of a large city. About a century elapsed before these beginnings developed into a national census along modern lines. During this interval there were various attempts to enumerate the population of cities, provinces or cantons, but no successful attempts to count the whole population of large countries.

Perhaps the earliest of these preliminary efforts was a municipal census of the entire population of Nuremberg, taken in 1449. All previous enumerations both in the western world and in the Orient had been limited to certain age classes or other classes of the population or to hearths and households and thus had lacked the inclusiveness characteristic of the modern census. In the middle of the fifteenth century Nuremberg was threatened with a siege and the city fathers ordered a return of the entire population and of the available food supply. The results were guarded as a state secret and were not made public for more than two centuries. Other municipal censuses and censuses of provinces or of Swiss cantons were taken in the fifteenth and sixteenth centuries. All these, however, were merely foreshadowings of the later development.

The honor of introducing the modern census has been claimed for several countries, notably Canada, Sweden and the United States. The periodical enumeration established in the colony of New France in 1665 and continued in Quebec until 1754 has been called "the earliest of modern censuses" (Baines' article on "Census" in *Encyclopaedia Britannica,* 11th ed. 1910). The first of these, however, was later than Virginia's enumerations of 1624–25 and 1634–35, while the population affected was not significantly larger. The Canadian censuses, however, unlike those in Virginia, constituted a regular series and recorded the name of each person and various facts about him gathered by a house to house visitation. They included the villages of Quebec, Three Rivers and Montreal as well as a farming population scattered for some 200 miles up the St. Lawrence valley.

Sweden's claim to priority is based on a census taken in 1749, which according to Guinchard (*Sweden: Historical and Statistical Handbook,* Stockholm 1914) merits recognition as the original census. This was the first of a series which the Swedish government has continued without interruption down to the present. The Swedish census was based at the start on parish registers established in 1686, when each pastor was instructed to maintain not only registers of births and deaths and of all persons moving into or leaving the parish but also a list of its members. In 1748 a supplementary law was passed requiring three tables to be prepared annually for each parish, one for births, a second for deaths and a third for the whole population. These parish reports went to the Home Department, where a summary for the year 1749 was prepared with the help of Wargentin, secretary of the Swedish Academy of Sciences.

An enumeration in Denmark and Norway in 1769, when they were under one government, was entrusted to private persons and is admittedly somewhat unreliable. The first general census of Spain, taken in the same year, encountered not a little resistance from the people, who feared that it was a preliminary to increased taxation and accordingly tended to supply incomplete or inaccurate information.

As a result of these experiments the few European students and administrators who considered the problem in the last half of the eighteenth century seem for the most part to have formed the opinion that an attempt to enumerate the residents of a large and populous country would be shipwrecked on administrative difficulties. Necker had written that it was impossible to make a general census of so extensive a country as France, and similar views had been expressed by German and English scholars. Even as late as 1827 Quételet (*Recherches sur la population*) desired to estimate the population of the Netherlands, which then included Belgium, by the method that Laplace had proposed a generation before, i.e. by enumerating the population of certain districts, determining for them the ratio between the population and the number of births or of deaths and applying that ratio to the whole country. This he proposed because he was skeptical of the census method.

Undeterred by the failures, or at best the partial successes, in these European countries, and faced by a serious and threatening political problem, the drafters of the American constitution of 1787 inserted therein a provision that an "enumeration shall be made within three years after the first meeting of the Congress of the United States and within every subsequent term of ten years." A similar plan for a periodic census had previously been set forth in the first constitution of New York state. It prescribed "that as soon after the expiration of seven years subsequent to the termination of the present war as may be, a census of the electors and inhabitants of this State be taken. . . . And further that once in every seven years after the taking of the said first census a just account of the electors resident in each county shall be taken." But the first enumeration in New York state under this provision was not taken until 1795, five years after the first federal census, and reported merely the electors, not the entire population.

The constitutional provision for a decennial census of the United States was not, however, an imitation of the New York constitution or of the practise of any European country. Nor is it to be ascribed, as Moreau de Jonnès ascribed it in 1847 (*Éléments de statistique*), to the fact that the members of the Constitutional Convention appreciated the value of statistics so keenly that they instituted the statistics of their country on the very day that they founded their government. The provision for a decennial census grew out of a protracted controversy between the large and the small states. Under the Articles of Confederation then in force each state had one vote and the congress one chamber. In the Constitutional Convention the small states insisted on retaining their equality; the populous and wealthy states demanded a weight in the councils of the nation proportional to their population and wealth. The compromise which was adopted provided for a legislature of two chambers, in one of which, the Senate, the claim of the small states should be granted, while in the other, the House of Representatives, the claim of the large states was allowed. When this agreement was reached, it was a short step to recognize that a periodic readjustment of the number of representatives in the lower House to changes in the population or the wealth of the states was desirable in a country where growth was rapid and uneven. It was decided to base representation on population, to count the slaves as three fifths of the same number of free persons and to enumerate the population every ten years.

On the surface the American census seemed like a political accident, but there is a real connection between democratic forms of government, with their attendant publicity, and the taking of a census. Until the nineteenth century the statistical data gathered by countries of continental Europe were usually treated as secrets of state. The modern census began in the United States in close association with democratic forms of government, and even at the start the results were immediately made public. Along with the growth of democracy in the nineteenth century there was an attendant spread of census taking. When the United States assumed responsibility for the government of Porto Rico and the Philippines one of its early measures was the taking of a census, in order to provide information needed in setting up a more democratic government. The effort to take a census in China in 1910 resulted from a plan to establish local representative institutions in that country.

Whether Canada or Sweden or the United States be regarded as the originator of the modern census there can be no doubt that the periodic censuses of the United States have been preeminently responsible for introducing the practise into other countries. The history of statistics has been traced more carefully in Germany than elsewhere, and German students ascribe the origin of modern census taking to the United States. Thus Wappäus said in 1881 (*Einleitung in das Studium der Statistik*) that the United States was the first to undertake a census embracing all persons in a country. Von Mayr declared in 1895 and again in 1914 that the United States introduced censuses proper, which give not only the total number of persons but their main social classes (*Statistik und Gesellschaftslehre*). Van der Borght in 1911 called the census of the United States taken in 1790 the first census in the modern sense of the word (*Handwörterbuch der Staatswissenschaften*, 3rd ed., vol. viii, p. 502).

The first English census was taken in 1801 through the agency of the local overseers of the poor, or substantial householders. There is apparently no evidence that the sponsors knew of the American experiment eleven years earlier. This English census reported not merely the population classified by sex, but also the number of families and inhabited houses and the number of persons chiefly employed in agriculture, trade and manufacture or handicraft. At the same time the number of baptisms and burials in each tenth year through the eighteenth century and of the marriages in each year between 1754 and 1800 was reported by the parish rectors, vicars or curates.

France ordered a general enumeration in 1800, the results to be reported to Paris within two months. But the administrative machinery was inadequate and when at the end of two years the figures were received they were not treated seriously. The same was true of the second French census in 1806. It was not until thirty years later that the French government took a careful census by modern methods and with trustworthy results.

Block in 1886 claimed that the census of Paris in 1817 was the first real census, since it introduced schedules giving the names of all persons whether adults or children, masters or servants, a procedure extended in 1836 to all France (*Traité théorique et pratique de statistique*). Whether the claim be admitted depends mainly on whether the reporting of the name of every person is regarded as the essential characteristic of a census.

Probably no European census has had a more widely extended influence than the Belgian census of 1846. Nearly twenty years earlier Quételet had laid before the Belgian Academy of Sciences a study of the Dutch births, deaths, etc. in the hope of inducing the government to take a census, and in 1841 Belgium had organized a central statistical commission with Quételet as its president. Its main work at the start was in organizing and taking a census of the kingdom. At that time Quételet was perhaps the most widely known and influential of living statisticians and the Belgian census gained influence from his prestige. It was carefully planned, and by the use of a schedule with one line for each person provided space for answers to numerous questions. The most striking and important innovation was a careful analysis and critical interpretation of the returns. As soon as Italy and Germany had succeeded in achieving unification of the many parts into which they had been broken state wide censuses were organized, by Italy in 1861 and by Germany ten years later. The first Russian census was taken in 1897, almost at the end of "the statistical century," and with that step the census was extended over almost all of Europe.

Census taking has been carried also to more remote countries until now perhaps two thirds of the earth's population has been enumerated. The percentage is steadily rising, and practically the only unaffected and densely populated regions remaining are China and some independent or semi-dependent districts of Africa.

The returns of the first American census, as of the eight which followed, were gathered by federal marshals and assistant marshals in the judicial districts. In 1790 the returns gave the total population, white (male and female) and colored (free and slave). The white males were classified into those above sixteen years of age and those below; but Madison's proposal of a simple occupational classification, while approved by the House of Representatives, was rejected by the Senate.

On the eve of the second American census the Connecticut Academy of Arts and Sciences with the support of its elder sister, the American

Philosophical Society, petitioned Congress to direct that the census be taken in a more detailed manner. The memorial of the American Philosophical Society doubtless received special attention inasmuch as its president, Jefferson, was vice president of the United States and ex officio president of the Senate, the body to which the memorial was addressed. Both petitions urged a more detailed classification of the population by age, in the hope of getting light upon the average duration of human life. In the census of 1800 the whites (male and female) were classified into five age groups.

The American censuses before 1850 made the family the unit and reported only a few details such as the number of persons of each sex falling within the different specified age groups. Beginning with 1850 the individual became the unit, and additional details, such as the sex, age, race, birthplace and occupation of each person were reported. This great change in procedure, perhaps the most important in the whole history of the census, was made almost simultaneously on both sides of the Atlantic. It furnished, far more effectively than had earlier methods, guaranties of the accuracy of the enumeration and means of detecting inaccuracies. The material thus obtained also permitted more detailed and complicated tabulations.

The change has often been attributed to the direct influence of Quételet and the Belgian census of 1846. But the immediate prototype of the American census of 1850 was the slightly known Boston census of 1845, the creator of which, Lemuel Shattuck, was called to Washington in 1849 and contributed greatly to organizing the federal census of the following year along similar lines. Shattuck seems to have drawn heavily for his ideas upon the Irish census of 1841, organized by Thomas Larcom. Larcom in turn had found and utilized many suggestions in a report upon the approaching British census of 1841, presented in April, 1840, by a committee of the Statistical Society of London. This committee had corresponded with Quételet, and may have derived many suggestions both from him and from John Rickman, who had prepared the reports on the first four English censuses (1801–31). Whether the lineage goes further back, as Block claimed, through the French census of 1836 to the Paris census of 1817 and Joseph Fourier, has not been determined. What connection there was between the United States census of 1850 and Quételet was probably through these links. The main innovations common to the Boston census of 1845, the Belgian census of 1846 and the American census of 1850 were: making the individual rather than the family the unit of enumeration; increasing greatly thereby the amount of information gathered; and interpreting the information in a critical text.

After these changes had been made and at least four items of information had been asked about each free inhabitant the number of possible tabulations was greatly increased and the work of the central office in supervising the enumerators in the field and in planning, producing and interpreting the census tables became steadily more important. At the start hand tallying was employed in building up tables from the answers on the schedules—a method which required expert clerks and careful supervision, since a misplaced tally is almost sure to go undetected. Labor saving in tabulation began in the United States as early as 1872, when a device was introduced for exposing only those columns on the large tally sheet which were for the moment in use. This primitive machine was of much help in tabulating the results of the American census of 1880. In an effort to reduce the mechanical labor of hand tabulation two other methods have been tried. One consists of a schedule card for each person, filled by the enumerator in the field and used in the office as a classifying and counting unit. This method has been employed in Italy, Prussia and Massachusetts. The other is the use in the office of slips or cards or chips, one for each person, to which all the information needed for tabulation is transferred. This originated in Bavaria in 1871 and was used later in Massachusetts and India. "In order to reduce the labour of filling in the slips various devices were resorted to; slips of different colours were used for the different religions; sex and civil condition were indicated by the shape of, or symbols printed on, the slips" (Risley, H. H., and Gait, E. A., *Census of India*, 1901, 4 vols., Calcutta 1903, vol. i, pt. i, p. xv).

Since 1890 these devices have been slowly displaced by mechanical methods of tabulation, usually employing an electric current. In American field work enumerators use a large schedule printed on both sides and providing room for answers concerning one hundred persons, the answers for each occupying one line across the schedule. The statistical information thus obtained about each person is transferred in the central office to a small tabulation card by punching small holes, the location of each indicating the nature of the answer. By the aid of an electric current guided to the proper dial by the location of these holes, it is possible to tally simultaneously instead of successively, and with mechanical accuracy. This device, originally invented by Hollerith and first used in the American census of 1890, greatly increased the scope of the tables and made the tabulation of complicated facts (e.g. number of married male barbers 25–34 years of age) almost as easy and cheap as the tabulation of simple facts (e.g. number of males). These complicated tabulations are of primary importance in turning census material to scientific use. As a result of this innovation the tables in the census of 1890 increased in number and complexity over those in the preceding census almost as much as had those in the census of 1850 over the 1840 tables.

With the development of the census the inquiries on the population schedule have tended to multiply. Thus in 1850 four questions, and in 1930 seven, were asked about every resident of the United States; in 1850 six questions, and in 1930 ten, were asked about everyone in a defined class, e.g. about the literacy of every person over a specified age. This change has greatly increased the amount of possible tabulation; by adding to the enumerator's load it has further increased the danger that he may neglect questions less readily answered. There is a great difference in difficulty, for instance, between reporting the sex of an individual and reporting the industry or business in which he works. The tabulation of occupations is almost as difficult as that of all the other answers combined. Some countries in order to secure a detailed and accurate picture of the industrial grouping of the population have taken special censuses of occupations and industries at a different date from the regular population census. Since industrial legislation in the United States falls within the field of the states an industrial census is of immediate importance for the latter and is not likely to be introduced unless it is called for by the states to furnish a basis for their legislation.

Following the example of the United States, a number of states have taken periodic censuses and even incorporated provisions for them in their constitutions. In a few cases, notably those of Michigan in 1854 and later, New York 1855, 1865 and 1875, and Massachusetts and Rhode Island 1875 and later, the results have been of scientific value. For the most part, however, these state censuses were taken by persons not trained for such tasks and the results were insignificant or serviceable only for reapportioning members of one or both branches of the state legislature. The tendency of the states in recent years has been to abandon this practise and to rely upon the federal censuses both for the figures needed in state apportionment and for information about state conditions in various fields.

Very few American cities have taken censuses of value. Usually they are entrusted to the police department and thus become purely political or administrative in character. The only important exception to this rule is the Boston census of 1845, already described. In European cities statistical offices with trained staffs are more generally found. Although these often take over the local work of national censuses and add to the general schedule approved questions of local importance, such as those about buildings and housing, population per room, etc., there are few cities which have developed independent censuses.

After it had been found that the enumeration method was serviceable for counting persons and that its results were so much more accurate than any method of estimate that they justified the added labor and money required, the question arose whether the same method of complete enumeration might be found serviceable in other directions. In 1850 a census of agriculture was taken in the United States. The enumeration unit was not the resident but the farm, about which many questions were asked involving area, total and improved, produce of various crops, number of various kinds of livestock, etc. This method of obtaining agricultural information has spread to other countries but not so fast and far as the censuses of population. In the United States the agricultural census is now taken every five years but the intercalated ones are restricted in scope and less expensive. These returns from an agricultural census are treated as bases of reference for crop estimates of postcensus years. Censuses of agriculture involving a call at each farm by an enumerator were introduced much later than censuses of population and are found today in only a small proportion even of the leading agricultural countries. In Great Britain agricultural censuses were taken in 1906 and 1925 but the farm schedules were sent out by mail. The agricultural returns which have been obtained in Germany at intervals of five or ten years are as a rule not true censuses but estimates made by the officers of each commune.

A census of the products of industry was introduced in the United States as part of the census of 1850. The unit at first was the producer or producing establishment, including "all kinds of mercantile, commercial or trading business . . . confined to dealing and exchange of articles of merchandise or manufacture." Thirty years later the phrase productive industry was defined as including "not only all factories and large works but also the mechanical trades, as blacksmithing, coopering, carpentry, etc." Since 1905 the census of manufactures, which then began to be taken every five years and now is taken every two, has omitted these hand industries or neighborhood industries, which never were completely enumerated, and has been restricted to industries conducted under the factory system.

The testing of the accuracy of a census is difficult because there is no standard more trustworthy by which its results can be measured. But a census is sometimes discredited by the inconsistencies between its different results or by divergences between its figures and those of earlier or later enumerations. The results of the census of 1870, accepted without question at the time, are now admitted to have been defective especially in the southern states, although the proportion of omissions is often exaggerated. The accuracy of a census is ordinarily judged by the accuracy with which the population has been counted, and that total under American conditions is, according to the expert opinion of Francis Walker and Carroll Wright, probably within one percent of the truth. But a complete census is composed of answers to many inquiries, each with its own degree of error. Negroes are enumerated less accurately than whites and the probable error of that count may run as high as two percent. Age is very badly reported, especially among adults; who as they grow older tend to become increasingly inaccurate in this respect. Errors from this source decrease, however, from census to census. The foreign born are, with the exception of the Negroes, least accurate in reporting their ages. The actual number of divorced persons in the country at a given date is not far from twice the reported number. Whenever the conditions permit and the degree of error is important, the probable error of each class of answers should, in spite of the difficulty of the task, be estimated.

Such an estimate is a part of the interpretation of the results. Some American officials have thought it best to publish tables with little comment, and thus leave the public to make their own interpretations. This cautious position, while at the start it was probably wise and in some controversial fields may still be justified, has been generally abandoned for census statistics. It remains true, however, that a writer in a governmental publication is less free than a private citizen, and it becomes a question how far an official commentary should go. The interpretations should probably be limited to those "inferences which would be accepted as almost certain by anyone competent to weigh the evidence and which seem to be of general rather than of merely local interest or importance" (United States, Census Office, *12th Census 1900, Supplementary Analysis and Derivative Tables*, Washington 1906, p. v).

Because of the temporary character of American census organization before 1902 and the pressure upon the office staff both before and after that date, the interpretation in many cases was for a long period inadequate or perfunctory. This shortcoming has recently been overcome in part through a series of census monographs prepared usually by collaboration between the bureau and outside scholars.

WALTER F. WILLCOX

See: STATISTICS; REGISTRATION; POPULATION; DEMOGRAPHY; OCCUPATIONS; APPORTIONMENT.

Consult: Wright, C. D., and Hunt, W. C., *The History and Growth of the United States Census, 1790–1890* (Washington 1900); American Economic Association, *The Federal Census: Critical Essays* (New York 1899); Mayr, Georg von, *Statistik und Gesellschaftslehre*, 3 vols. (2nd ed. Tübingen 1914–26) vol. i, sects. 27–44 and 79–82; *The History of Statistics*, ed. by John Koren (New York 1918).

CENTANI, FRANCISCO (dates of birth and death unknown), seventeenth century Spanish economist. His only work which is extant is a memorial, *Tierras; medios universales . . . para que . . . tenga la real hacienda dotación fija para asistir a la causa pública* (Madrid 1671). He is considered a precursor of the physiocrats because of his doctrine that land is the "true" and "physical" source of wealth and should bear the brunt of taxation. His projected reforms, prompted by notorious frauds in the fiscal system and excessive administrative expenses, centered on the abolition of vexatious indirect taxes which hindered economic progress. Malversation in the *real hacienda* and poverty among the people would cease with the substitution of a single tax upon land, with no exemptions for the nobility or the church. The tax would be levied on the basis of a statistical survey of fertility and the value of crops. This concept of an *impôt unique* contrasts with such of his other ideas as have a mercantilistic stamp. After describing the natural resources of the realm Centani argued that his proposals, which included restriction of the importation of manufactures, would increase the population of Spain from six to thirty million. Associated with his consideration of land as the only real wealth is his belief that "the greatest wealth consists in increasing families." Following the thought of contemporaries Centani decried monetary inflation, pointing out that although there was twice as much money in Spain in 1670 as in 1630 the majority of the people were living in greater distress.

ROBERT S. SMITH

Consult: Colmeiro, Manuel, "Biblioteca de los economistas españoles" in Real Academia de Ciencias Morales y Políticas, *Memorias*, vol. i (1861) 104–5.

CENTER PARTY, GERMANY. *See* PARTIES, POLITICAL; CATHOLIC PARTIES.

CENTRAL AMERICAN FEDERATION. Perhaps the earliest step in the direction of Central American federation was the organization of the captaincy general of Guatemala by the Spanish government in 1527. A similar centripetal tendency operated during the brief period when, on their severance from Spain, some of the Central American provinces were joined to the Mexican Empire. After the dissolution of the latter in 1823 the provinces of Costa Rica, Guatemala, Honduras, Nicaragua and Salvador established the first Central American Union, for which a constitution, evidently patterned after that of the United States, was promulgated on November 22, 1824. This federation was dissolved in 1839 under the impact of intense party strife, in which the radicals or liberals, who favored federation, were driven from power by the aristocratic and clerical elements, largely because of their strong anticlericalism. The idea of a central organization did not die out in Central America after the dissolution of the first union. In some of the constitutions subsequently adopted by independent nations of Central America the hope was expressed that at some future time the old federation would be reestablished. This sentiment was embodied in the Costa Rican constitution of 1847, the Salvadorean constitution of 1886, the Guatemalan constitution of 1887, the Honduran constitution of 1904, the Nicaraguan constitution of 1905 and the Costa Rican constitution of 1917.

After the collapse of the original union the adherents and opponents of federation in each state maintained interstate affiliations. Mid-century Isthmian politics involving Great Britain and the United States and, somewhat later, the filibustering expeditions of William Walker increased union sentiment, but several attempts in the forties by Honduras, Nicaragua and Salvador—the three states most alike with respect to racial elements and social conditions—to set up loose federations failed. With the decline of the early parties favoring and opposing federation the important factors in the situation became individual statesmen and dictators. In 1885 General Justo Rufino Barrios (*q.v.*), president of Guatemala, having failed to bring about a union by peaceful means, proclaimed the establishment of a Central American Union, placed himself at the head of an army and summoned the other republics to join the movement. He met his death in the first battle with the soldiers of Salvador. Eleven years later the presidents of Honduras, Nicaragua and Salvador agreed to form the Greater Republic of Central America. Although this union was recognized by the United States, it was short lived. Opponents of the Greater Republic declared that it was the work of a few men, not the wish of the people.

Factional disputes of this sort over leadership, in countries unstable in their democratic organization and frequently embroiled with conflicting dictatorships, have thus stood in the way of Central American federation. Other centrifugal forces have been the opposition of politicians in different sections to centralization because of the strength of local interests and the fear that political preferment might be lost. The difficulties of intercommunication between different sections of Central America have encouraged particularism and checked any move toward the unification of the different sections. Economic forces have not always worked for harmony: the banana planter of Nicaragua has little in common with the coffee planter of Salvador.

The United States has generally favored a federation of the republics of Central America. Such a policy, recommended by a desire to further political stability on the American continent, has been fortified by the necessity for safeguarding American economic interests and giving no ground for European intervention. In 1874 and again in 1880 the United States evinced an interest in federation, and such an interest was also part of Blaine's pan-American policy as secretary of state. Roosevelt's corollary of the Monroe Doctrine—that it is the duty of the United States to preserve peace in Central America—led him, with the aid of President Díaz of Mexico, to promote the Central American Conference at Washington in 1907. This conference resulted in the framing of a series of treaties which aimed to remove Central American discord and encourage the formation of a firm union: recognition of unconstitutional governments was discountenanced; intervention and the fomenting of revolt in neighboring states were banned; Honduras was neutralized; a Central American Court of Justice and a Central American Bureau were created. In 1922, when some of these treaties had lost their force, the United States sponsored another conference at Washington, where treaties were again framed, dealing with the establishment of amity, the reduction of armaments and the creation of an International Central American Tribunal.

At the Central American Conference of 1907 the delegates from Honduras and Nicaragua had urged that an intimate union among the Central American republics was needed, while other delegates declared that as yet this was only a noble aspiration. This view is borne out by the results of a move toward a Central American Union that took place in 1921. On January 19 of that year a treaty was signed at San José by representatives of Guatemala, Salvador, Honduras and Costa Rica. This "pact of union" sketched a provisional constitution for the four republics that wished to reconstruct the Federal Republic of Central America. This constitution declared that united into a "perpetual and indissoluble union" those republics would henceforth constitute a sovereign and independent nation designated the Federation of Central America. So far as the federal constitution would allow, each state in the union was to preserve its control of local affairs and was to exercise all the powers not delegated to the federal government. Until the central government could negotiate new treaties the respective states were to fulfil their existing treaties with foreign nations. The state constitutions were to remain in force so far as they were in harmony with the federal constitution. But Nicaragua opposed this treaty because it impinged upon her trans-isthmian canal interests, which were protected by the Bryan-Chamorro Treaty with the United States. Nevertheless, arrangements were made that the new confederate flag should be unfurled on September 15, 1921. Eventually, however, Costa Rica, which has generally been cool to federation, chiefly because of its geographical isolation and the large European elements in its population, turned against the confederation, and a coup d'état that took place in Guatemala city in December, 1921, completed the downfall of the projected Federation of Central America.

William Spence Robertson

See: Pan-Americanism; Federation; Government; Monroe Doctrine.

Consult: Moreno, L., *Historia de las relaciones interestatuales de Centroamérica*, Monografías Hispano-Americanas, no. i (Madrid 1928); Slade, W. F., "The Federation of Central America" in *Journal of Race Development*, vol. viii (1917–18) 79–150, 204–75; Bancroft, H. H., *History of Central America*, vol. iii, which is vol. viii of his *Works* (San Francisco 1887); Munro, Dana G., *The Five Republics of Central America* (New York 1918); Cox, I. J., "Nicaragua and the United States, 1909–1927" in World Peace Foundation, *Pamphlets*, vol. x (1927) no. vii; Brown, P. M., "American Intervention in Central America" in *Journal of Race Development*, vol. iv (1913–14) 409–26; Bustamante y Sirven, A. S. de, *El tribunal permanente de justicia internacional* (Madrid 1925), tr. by E. F. Read (New York 1925) ch. v; "The Central American Peace Conference at Washington" in International Bureau of the American Republics, *Monthly Bulletin*, vol. xxv (1907) 1334–73; "Conference on Central American Affairs," *International Conciliation*, no. 189 (New York 1923).

CENTRAL BANKING. The term central banking is of comparatively recent origin, not being widely used before the beginning of the twentieth century. While some variations in the meaning of the term survive even to the present, the consensus of opinion now limits the designation "central" only to those banks which have a distinctly public purpose, that is, banks which transact business not primarily for the purpose of making profit but rather for the sake of the ulterior effects upon the money market and upon the banking structure in general. Among such banks we may distinguish bankers' banks, which have virtually no dealings with any customers except bankers and governments, and banks which do business with all classes of customers, although they are disposed to limit their larger dealings to operations in which other banks are involved or in which the government largely figures.

Prior to the World War most of the larger European countries had well developed central banks, although these varied a good deal among themselves in detailed function. In the United

States, however, genuine central banking was unknown, the First and Second Banks of the United States having been enterprises of a quite different nature; likewise in South America, notwithstanding the existence of several so-called central banks, there was no well established system; and little progress in this direction had been made in the Orient. During the World War experience showed that central banks can exert a considerable degree of control over the price level and are in a position to render substantial assistance to governments in rectifying their financial affairs. As a result a movement set in for the establishment of central banks; it was strongly furthered by the resolutions of the Genoa Conference (1922) which advised the organization of a central bank in each of the new countries created by the Treaty of Versailles. Several such banks were promptly established, and in practically all of the central banks a new conception of function was developed during the decade following the war. This movement was marked by some exaggerations; over-sanguine opinions as to the possible power and effectiveness of central banks were frequently expressed. During the latter part of the decade, however, opinion swung in the opposite direction; people were disposed to minimize the scope of action of central banks and to restrict them to a position similar to that which they had held prior to the war.

The primary function of central banks is to maintain the banking reserve of the country at a sufficiently high point and in a sufficiently liquid condition. By this is meant (1) the maintenance of what is considered an "adequate" cash reserve against the bank credit of the country, such reserve to be held in the vaults of the central bank or in those of other banks or divided between them; (2) the defense of the entire specie stock of the country against undue depletion by exportation or unwarranted increase through importation; (3) the maintenance of an adequate note issue convertible into bank credit through deposits at any time and presumably convertible into coin upon demand.

Experience has shown that in order to perform its function the central bank must have the power to supply or "create" in the course of its operations ultimate reserve funds in some fashion. This is accomplished by investing the central bank with a monopoly of banknote issue or, at least, with a power of note issue superior to that of other banks, these notes being used by the latter as vault reserves. The same effect may be achieved by requiring the other banks to maintain "reserve balances" with the central bank—balances which are the result of either cash deposits or paper rediscounts. In order that the central bank may at all times be ready to meet the requirements of other banks for more reserves it is usually authorized to rediscount the paper brought to it by other banks (normally with their endorsement), the proceeds then being represented either by issues of its own notes or by credits on its books considered as reserve for such other banks. The fundamental problems, therefore, confronting the central bank are the note issue policy—or the total amount of notes and the basis on which they should be issued—and the discount policy. The latter is usually thought of as including the determination of the kind of paper which the bank will ordinarily admit to rediscount, the rate at which it will admit such paper and the extent to which it is willing to go in granting rediscounts both in the aggregate and to any individual banking institution.

During the first half of the nineteenth century there developed in Great Britain a controversy with respect to the basis of note issue, which had an important bearing upon the fundamental problem of central banking. The currency school put forward the view that note issues in order to be "safe" should be protected by a reserve of specie so that all additions to the notes in circulation beyond a specified amount (protected by collateral, preferably in government obligations) be covered unit for unit by specie. The banking school, on the other hand, held to the view that the proper basis for note issue was the development of business or exchange, as evidenced by the amount of liquid commercial paper discounted with the issuing bank. This was later called the "commercial asset theory" of currency issue. The British Bank Act of 1844, imitated in the National Banking Act (1863) of the United States, represented the triumph of the currency school. Most of the continental note issue systems, however, rested upon the banking theory, and the Federal Reserve Act, passed in 1913, adopted virtually the same position. When in the course of time banknotes declined in importance as an integral part of the country's currency, the older controversy developed into a discussion as to the type of paper which the central bank should discount in order to provide the basis for its deposit credits. There are those who insist that it should discount the obligations of other banks with sound collateral attached, and on the other hand those who would limit the discount operations of the central bank to liquid paper growing out of bona fide commercial transactions.

In recent years there has become apparent also a pronounced difference of opinion as to the scope of central bank activity. According to the exponents of the so-called emergency point of view the central bank stands ready to act "like a fire engine," putting out financial conflagrations as they develop—an emergency institution, really active only from time to time. The adherents of the banking point of view maintain, on the contrary, that the central bank should function like a bank and not like a relief institution; its work should be constant and regular and its policy should be that of shaping and adapting itself to critical conditions as these arise. Although the extent of its participation would necessarily vary, it should be a constant factor in the money market. The difference between these points of view is reflected most clearly in the scope which they allow to the so-called "open market" operations of central banks, that is, those operations in which the central bank goes out into the open market and seeks business, buys and sells paper and otherwise takes the initiative in injecting or withdrawing credit. When the Federal Reserve Act was under advisement strenuous efforts were made by the banking community to prevent the incorporation of open market powers in it, but since the close of the war the continuous and large use of these powers has been recognized, both in America and Europe, as practically indispensable in the operation of central banks. The relation between discounting and open market operations necessarily varies with varying market situations. Since the central bank is not properly concerned with the satisfying of ordinary credit needs, its activity is generally at its lowest when the operations of other banks are at the average or usual level and the volume of their credit extension shows no appreciable change. It is this fact which probably gave rise originally to the emergency relief theory. Yet conditions seldom are normal or average. The great transactions of governments, which are now largely in the hands of central banks, disturb the market; international banking operations affect and readjust market conditions; speculative processes may have a similar distorting effect. Thus, although the degree of its participation varies, the central bank in practise is called upon to be steadily in the market.

Whether the central bank remains an emergency relief institution or functions as a constant factor in the money market, it is desirable that its head office be located in the principal financial center of the country. But such functions as clearing on its books a considerable proportion of the country's check transactions, regarded within recent years as pertaining to central banks, and acting as a fiscal agent for the government have obviously led to a need for branches. Most central banks have developed accordingly larger or smaller groups of such branches. The Bank of England, for example, has 10; the Bank of France, about 660. The Federal Reserve system in the United States provides for 12 central banks, each operating in its own district as a separate corporation independent of all others; but all of them are supervised by a central board, possessing such extensive powers of control over their policy, expenditures and personnel that it may be treated, in theory at least, as a central board of directors of which the local institutions are in a sense branches. The Federal Reserve Banks have established branches of their own which numbered 25 in 1930, but the whole theory of their operation and of the degree of their independence still remains unsettled. The problem of the proper relation between the head office and the branches of a central bank is much more than a mere matter of technique; the delimitation of the degree of independence of the branches is conditioned by the view taken as to how far it is possible and expedient to go in setting up local discount markets.

Some authorities declare that in addition to maintaining the banking reserve of a country in a satisfactory condition central banks should attempt to regulate the supply of credit in such a way as to bring about readjustment in cases where relationships between purchasing power and the price of goods depart from an average or normal level. This phase of central bank activity, the possibility of exerting "credit control" in order to stabilize the price level, came into great prominence after the close of the World War and has continued ever since to excite largest interest. Obviously, such use of central banking is possible only if the central bank has the power of directing and regulating the volume and use of bank credit in general and if bank credit is, at least, the most important price determining factor.

In order that the first of these conditions be realized in practise it is necessary that the central bank exercise a considerable degree of control over other banks in the country. It is supposed that the central bank, by changing its discount rate or by "rationing" its credit to various classes of customers, can regulate the amount of credit available, within a certain range of cost, to other banks. Being thus able to add to, or to subtract from, the reserves of other banks the central bank is in a position to force them to broaden or diminish their lending, to determine the expansion or contraction of their credit to the public. It is argued further that if other banks do not offer to deal with it in a volume sufficient to enable it to obtain such results the central bank may undercut them by going into the open market, thereby compelling them to regulate their rates more or less with reference to its own rate and in some measure at least to adjust their conditions of lending to those made by the central bank.

The ability of a central bank to exercise such a degree of control depends upon its power to make its discount rate fully "effective." There are conditions under which this seems to be impossible. For example, if the price level is already advancing at considerable speed it is probable that the raising of the discount rate may be relatively ineffectual, as was demonstrated by the experience of the European central banks during the post-war period. Similarly, when other banks are not as yet at the point of being "loaned up" and are themselves of substantial size, with resources comparable to those of the central bank (as in England), they may be quite able, either singly or by joint action, to neutralize except within a restricted range of transactions the efforts of the central bank in the open market.

In this connection it is interesting to observe the differences in the mechanisms employed by central banks in the regulation of credit extension by other banks. The older practise of the Bank of England and of other central banks has been founded upon the view that the discount rate of the central bank should be the controlling factor and should "lead" the market. The Bank of England has thus habitually sought to have its official rate slightly higher than the market rate, with the purpose of penalizing those banks which sought to enlarge their credit by borrowing from it; at the same time through its private rate, at which it discounted the paper and advanced loans to its non-banking customers, it sought to drive the other banks into conformity with its policy by compelling them to charge rates similar to those which it was itself enforcing. In the United States the banking authorities have never accepted the original Bank of England practise but have usually fixed a rate lower than that of the open market. The Federal Reserve Banks, reluctant to raise discount rates for the purpose of curtailing the supply of credit in the market, have made their increases usually after, instead of before, open market changes. They have, therefore, in a good many cases been disposed to substitute a rationing of bank credit for changes in the discount rate and have sometimes sought to curtail credit by refusing to discount specified kinds of paper. This has never been very successful and the prevailing opinion undoubtedly regards the established practise of the Bank of England as the correct one. The older technique has, however, been greatly disturbed by the development of new conditions since the close of the war.

If central banks are to be in a position to regulate the price level it is also necessary that bank credit play a decisive role in the determination of prices. The advocates of price stabilization through credit control maintain that the price level is governed, by and large, by the volume and velocity of currency, an overwhelming proportion of which is made up of bank credit instruments such as checks and banknotes. Without going into a detailed analysis of this theory it may be observed that even if its soundness be admitted for normal conditions factors operating entirely on the goods side of the equation of exchange, such as invention of new labor saving devices or of new methods of distribution, may effectually change the direction of prices. It is also doubted by some authorities whether actual conditions of competition and mobility are such that a change in the volume or velocity of credit is felt immediately throughout the entire field or indeed fully felt at any time. Moreover, the existence of artificial price control in certain important branches of economic organization may result in greatly altering the effect of changes in credit supply upon other groups of prices. A practical argument advanced against this theory is that statistical information is too fragmentary and inadequate to permit the day-to-day regulation of bank policy with a view to keeping the price level stable. Thus the United States Federal Reserve Board has officially asserted that in fixing discount rates it will often be true that statistical analysis is too late or too inadequate to be of service and that in lieu of conclusions based thereon the use of "judgment" or conjecture is a safer guide. Most persons, however, admit that where practical stability in the price level or regulation of the increase or decrease at a moderate rate is a prime prerequisite central banking policy should so far as possible be directed to the purpose of bringing that about. There is still difference of opinion as to whether price stability should take precedence over all other purposes.

In the course of its routine business a central bank establishes contacts not only with the government and the other banks in the country but also with banks in foreign countries. Under the conditions of international economic and financial interdependence which are characteristic of the present economic order in the western world regular relations with foreign banks are to be regarded as virtually mandatory. The exigencies of credit control and of such financial ties between governments as are likely to arise in war time enhance the scope and importance of these international relations and may lead to the development of cooperative relationships between central banks. Of recent years a good deal has been said about the necessity and practicability of such international cooperation. Before the war in times of a world wide crisis or of special domestic pressure central banks successfully undertook international transfers of gold and on one or two notable occasions interbank rediscounting. The satisfactory results achieved in these isolated instances encouraged economists to suggest the possibility of a world bank, an idea which was discussed as eagerly as that of international money. After 1914 war necessity led to an informal pooling of resources by central banks among both the Central Powers and the Allies. When the United States entered the war, the funds of the Federal Reserve system were also thrown into the common stock. Cooperation at that time did not extend to the imposition of uniform currency and credit regulations, and independence of the price levels was maintained through the artifice of exchange "pegging." War experience, however, had been so striking that it stimulated a desire for joint action in the period of reconstruction. The work of the Gold Settlement Fund of the Federal Reserve Board had attracted wide attention, and discussions at Versailles had later led to proposals for an international gold settlement plan. These proposals came to nothing because of the mutual distrust which prevailed.

With the complete collapse of currency and domestic values in Germany it became evident, however, that the restoration of normal conditions in the field of currency, foreign exchange and international trade depended to a considerable extent upon the assistance which central banks in a strong position and with large holdings could extend to weaker institutions in other countries. It was believed that the anticipated renewal of the pre-war "scramble for gold" could be prevented only by the cooperation of the central banks of the world. After 1925 a series of agreements was therefore entered into by various leading central banks, under which they promised to provide means for safeguarding the normal functioning of the new currency systems established in the several countries following a period of stabilization. The Federal Reserve Bank of New York, for example, undertook to support the Bank of England in putting the British currency stabilization legislation upon a permanent basis by obligating itself to purchase bills up to a specified amount at a rate of discount fixed with reference to its own prevailing rate, if such assistance was needed. As such agreements became more numerous and complex, the ordinary business problems to which they gave rise increased in number and urgency; central banking conferences were therefore called from time to time. The subjects discussed at these meetings and the results of the discussions were never made public officially; they were understood, however, to relate to such questions as discount rates, international gold movements, and problems of credit control in which the collaboration of two or more of the banks was considered desirable. These conferences led to a renewal of the discussion regarding the feasibility of a world bank working toward the international stability of price levels and exercising an international control over the several money markets. The conferences had no official status, however, and their outcome was largely dependent upon the personalities of the participants. Nor were they always successful in bringing about genuine cooperation, the outstanding failure being the inability of the Federal Reserve Bank of New York and of the Bank of England to obtain an altogether satisfactory working relationship with the Bank of France during the stabilization of the French currency (1927–28).

Since in several European countries German reparation payments appeared as a significant element in financial and fiscal budgetary programs, the international financial discussion after 1925 tended increasingly to center about the problem of reparations or issues connected with it. The Dawes plan which was adopted in 1924 provided for the residence of an organized supervisory body in Berlin, but it was understood that Germany would be relieved of this foreign financial occupation as soon as possible. In 1928 the question was raised of a new reparations conference to readjust the entire basis of the payments and to eliminate the foreign supervision which had proven so galling to the Germans. This led to the conference of reparations experts at Paris which produced the Young plan, perfected in detail at The Hague during August and September, 1929.

At an early stage of the preparation of the Young plan the proposal was made to substitute an incorporated "world bank" for the international group in Berlin which until then had administered reparations. There was still much work to be done in steadily receiving and disbursing payments made by Germany and in maintaining German exchange at a fixed parity with other currencies. It was essential that the large transfers involved should never be permitted to interfere with the soundness of the finances of the participants in the reparations plan. It was also recognized that the recipients of the annuities under the new plan might wish to "commercialize" them by issuing securities representing the capitalized value of these annuities. All these operations were found to require sympathetic and experienced handling from day to day and close cooperation between the central banks of the participating countries. A world bank, the feasibility of which was discussed several years before, appeared at this juncture to satisfy an immediate and genuine need. As a result the proposal of a Bank for International Settlements was incorporated in the recommendations of the reparation experts, and in 1930 the institution was organized under a Swiss charter by representatives of the central banks of Belgium, England, France, Germany, Italy and Japan and of an American banking group.

The primary duty of the Bank is to be the managing of reparation payments, but it was also given restricted functions of a general banking nature. It is not permitted to exercise the power of note issue, and in the performance of other functions of a bank of deposit it will encounter difficulties because of its location at Basle, at a great distance from its chief customers. Nevertheless it is the most distinct development of the world bank idea, the most positive extension of central banking into the international field that has been attempted so far. Such questions as the influence which it may exercise upon credit control in the several countries, the inflationary possibilities which it supposedly offers, the elimination of free fixing of foreign exchange rates which it makes theoretically feasible remain for the present in the field of controversy. These are matters which depend largely upon the policy to be adopted by the management of the new institution.

In addition to its other functions the central bank acts usually as the agent of the government in the money market. It stands ready to make as large advances to the government as banking soundness permits and undertakes to distribute government obligations to other banks and private investors. This practise is justified at present by the magnitude of the financial transactions of the government, which make it an important factor in the money market. Yet the practise is essentially an outgrowth of the peculiar conditions in the early history of central banking. Originally the central bank rendered its chief service to the government by furnishing it with short term accommodation, which too often developed into long term loans. In some cases, indeed, a "permanent" loan to the government was the price paid for the charter and the exclusive privilege of note issue. During the nineteenth century it was recognized, however, that in lending to the government the central bank should act merely as an intermediary, issuing government obligations and selling them to bona fide investors but refraining from any considerable purchasing or lending upon such obligations. The fact that it appeared as the lender to the government caused the central bank to be designated as the holder of government funds, and out of this grew the function of acting also as the receiving and disbursing agent. For a long time the United States under the independent treasury system held out against the establishment of such relationships with banks. During the Civil War, however, it was obliged to reestablish its banking connections, and after the close of the war the increasing complexity of its relations with the business world compelled the continuation of the depository functions of the national banks despite the fact that the subtreasury system was not abolished. In the Federal Reserve Act, provision was made for transferring the fiscal functions of the subtreasuries to the Federal Reserve Banks, the actual transfer being made in 1920. Since then the Federal Reserve Banks have exercised the same functions as other central banks, issuing and distributing treasury obligations, holding and disbursing government funds and generally performing all duties in connection with custody and trusteeship, except those which for reasons of historical sentiment have been continued in the hands of the Department of the Treasury at Washington. In foreign countries the practise of having the financial business of the government, particularly that involving contacts with the money market, managed with the close cooperation of the central bank is nearly universal. During the World War most central banks became heavily overburdened with government obligations, which accumulated in their hands because it was easier to obtain the funds directly from the central bank than to await the results of a general subscription, or because after great quantities of obligations had been sold it was necessary for the central bank to support the market by lending. The result in either case was the same, the immobilization of the portfolios of all central banks with government obligations. While the Cunliffe Committee Report pointed to the retiring of government obligations from the portfolio of the Bank of England as an essential factor in banking reform, the effort in this direction has been only partially successful. In most countries it has been thought necessary that the central bank should continue its support of the money market and of the public treasury; central banks have therefore continued to be large dealers in short dated public obligations, which by reason of their constant renewal represent really long time indebtedness. The situation has been rendered more complex by the belief that the central bank can effect the stabilization of prices and that dealing in government securities offers substantial aid in this process. Perhaps of even greater importance has been the belief that through the influence of the central bank upon the money market the actual cost of funds to the treasury can be greatly reduced.

The close cooperation between the central bank and the government is at least partly explained by the fact that the government, whether as owner or as the highest authority in the land, exercises in most countries a considerable degree of control over the management of the bank. In some countries it appoints a group of directors or some of the more important officers of the bank, while in others custom and unofficial pressure make it possible for the government to exert a decisive influence in connection with the management. Thus the Federal Reserve Act requires the direct government appointment of three out of nine directors of each Federal Reserve Bank, while it leaves to a central board, all of whose members are government appointees, the power to veto the rates, salaries and appointments of the several banks. Practically all countries exact from the central bank either a share of profits or a franchise tax, which is often defended on the ground that the privilege of note issue is a profitable monopoly.

H. PARKER WILLIS

See: BANKING, COMMERCIAL; FEDERAL RESERVE SYSTEM; BANKNOTES; BANK RESERVES; MONEY MARKET; FOREIGN EXCHANGE; INVESTMENT; CREDIT CONTROL; MONETARY STABILIZATION; PRICE STABILIZATION; INTERNATIONAL FINANCE; REPARATIONS; GOVERNMENT OWNERSHIP.

Consult: Kisch, C. H., and Elkin, W. A., *Central Banks* (3rd ed. London 1930); *Foreign Banking Systems*, ed. by H. Parker Willis and B. H. Beckhart (New York 1929); Palgrave, R. H. Inglis, *Bank Rate and the Money Market* (London 1903); Beckhart, B. H., *The Discount Policy of the Federal Reserve System* (New York 1924); Willis, H. Parker, and Steiner, W. H., *Federal Reserve Banking Practice* (New York 1926); Lawrence, J. S., *Stabilization of Prices* (New York 1928); United States, House of Representatives, 69th Cong., 1st Sess., Committee on Banking and Currency, *Stabilization*, 2 pts. (1927); United States, House of Representatives, 70th Cong., 1st Sess., Committee on Banking and Currency, *Stabilization* (1928); Einzig, Paul, *The Bank of International Settlements* (2nd ed. London 1930).

CENTRAL LABOR UNIONS. *See* TRADE UNIONS.

CENTRALIZATION. The problem of political centralization is historically rooted in the rise of the modern state. The modern national state sprang from the confusion and conflict of authority which, in the political sphere, characterized the Middle Ages. Allegiance in the later mediaeval period was dispersed among a number of claimants—emperor, pope, king, feudal baron, bishop and free city—each embodying and representing a distinct political idea: their rivalries and strife for power constitute the substance of mediaeval politics. The king was the visible exponent of the concept of a national, territorial state, and his eventual success definitely established the doctrine of sovereignty as the principal concern of modern political thought. Even in Germany and Italy, where national unity was not attained until the nineteenth century, the state, though frequently of limited extent, came to be recognized as supreme within its territorial limits.

That political authority was centralized in the monarch was indeed the theory, but in actual fact the process of political and legal centralization was nowhere completely and absolutely accomplished. The general recognition of royal supremacy did not prevent the continuance of many vestiges of feudal and local autonomy. In England local government remained until 1835 in the confused and unregulated condition in which it was left by the Tudors with practically no central control. Although justices of the peace were appointed by the crown they were inevitably drawn from the landed gentry of the county and preserved their local character. Sitting in county court they constituted the chief instrument of local government. The parishes preserved their anaemic existence and through their vestries attempted some control of local affairs. In the boroughs many types of government existed, depending upon the provisions of their charters. As a rule they were governed by close corporations. In France the absolute monarchy more nearly achieved a centralized government than elsewhere, but even here the task was not completely accomplished. A unified system of law did not develop, the local *coutumes* resisting the centralizing influence until the revolution. Administration was largely vested in intendants appointed by, and responsible to, the king, but the provincial *parlements* continued until the revolution to constitute centers of local sentiment and barriers to the free flow of national authority. In the American colonies an even greater degree of decentralization obtained than in England, although in certain ones there was a larger democratic element in local government. "The state," says White, "yielded to the county, the county gave way to the town, and the town bowed to its districts." The lack of efficient means of transportation and communication made any centralized system of government impossible. Most of the rudimentary functions of administration were performed by agencies of local government. Generally speaking, the theory of a strong, centralized, national state was modified in practise by a large degree of local autonomy. Particularly did the stiff necked townsmen constitute a problem for royal authority which could be solved only by compromise. The grant of charters to the cities may have theoretically expressed the principle of royal supremacy, but these embodied very substantial rights of local self-government.

While the problem in the contemporary constitutional state of the degree to which government should be centralized has, as indicated above, a historical connection with the process by which the modern national state came into existence, there is no essential identity between the circumstances which favored the growth of a strong centralized government in the fourteenth and fifteenth centuries in England and France and the present tendency toward the concentration of power in a central government. The present problem of centralized versus decentralized government assumes the existence of the sovereign state. The old mediaeval and feudal elements have quite disappeared. Monarchy has given way to constitutional government, but the supremacy of the state is generally accepted. It is no longer a question of whether the state must share its control over the individual with other institutions. The question today is substantially one as to the most expedient and satisfactory organization of power, and this must be answered in the light of a changing economic and social situation and with reference to a gradually clarifying conception of the end and purpose of government.

In one aspect, that of federal government, the problem is closely related to the historical process of national growth and integration. The explanation of such federal states as the United States, Germany and Switzerland is to be found in the historical circumstances that induced "union without unity." The structure of such federal systems represents a balance between the particularism of the small state, jealous of its sovereignty and independence, and the forces of national unification which the modern world has brought into play. Whether these federal systems do not constitute a condition of unstable equilibrium has been a subject of considerable speculation by students of political science. Dicey and Leacock, for example, have maintained that federalism is everywhere to be viewed as a temporary stage in the inevitable evolution toward a strongly centralized form of government. An examination of the constitutions of federal states during the past century and a half reveals a definite centripetal tendency. Not only are those of later origin more centralized than their predecessors, but by the process of constitutional amendment all have become increasingly centralized. On the other hand, the federal system would appear to be the only possible one under which democracy can succeed where widely divergent communities are brought under one government. Even in a country like the United States, where a strong national consciousness and a universal loyalty to the ideals and common interest of the nation exist, the diversity of physical and geographical circumstances makes it probable that this form of government will continue indefinitely.

Even in federal systems the political ideology upon which the national state rests is unquestioned. The state is conceived of as sovereign, although the question of where the attribute of sovereignty is located may be disputed. The theoretical basis of federal government may involve a controversy over "states rights," which assumes at times a highly doctrinaire character. In the United States before the Civil War this became a vital issue in constitutional law and national politics, and occasional echoes of this debate may still be heard. But today we are not much interested in whether sovereignty resides in the Union or in the member states; whether the constitution is a compact between the states or springs from the will and consent of the people of the entire nation. We no longer believe that the division of powers between state and federal government is sacrosanct. And if the courts pay occasional lip service to the "principles" upon which the federal system was founded they have not hesitated to entertain "interpretations" which have fundamentally shifted the center of gravity in the direction of national control. In federal as in unitary states the problem is essentially a pragmatic one as to the most satisfactory organization of political authority.

A general tendency toward centralization has been clearly evident during the last century and is particularly marked at the present time. The forms which this process takes are often complex. In the United States there has been a twofold movement: the federal government has increased the scope of its authority at the expense of the states, and the states have established a larger degree of control over the local communities. But a more important distinction, possessing a more general validity, is that between legislative, or political, and administrative centralization. Political centralization is accomplished by the enactment by the central legislative body of a detailed code of laws regarding local affairs. Administrative centralization involves the creation of a hierarchy of officials appointed by the central government who either directly perform the functions of local government or effectively supervise their performance. In Germany, in many instances, centralization is political, state officials being the administrative agents for federal legislation. In the United States, in general, the laws which Congress enacts are administrated by federal officials, although much of American centralization takes a political form. In the case of the Eighteenth Amendment the establishing of national control over the manufacture and sale of intoxicants was a significant example of political centralization. But to what extent the federal government shall undertake through its own administrative officials to enforce the amendment and the supporting congressional legislation and to what extent it may leave such enforcement to the states, are questions of administrative centralization.

The basic reason for the trend toward centralization has been the industrial revolution, which has transformed the conditions of modern civilization. The movement of industrial, economic and social organization has been constantly toward larger units, achieving in some instances even an international character. The integration of governmental power is merely a necessary concomitant of these economic and social changes. As the entire nation is psychologically and socially knit into a single community by modern techniques of communication, local political and administrative units appear increasingly ineffective. Moreover, the problems of government today are very numerous and extremely complex. The conception of government as exclusively concerned with the protection of the life and property of the individual has given place to that of the state as a great public service corporation which must provide its citizens with many of the basic utilities of our modern life. In the performance of these new functions a degree and range of technical knowledge is required which local communities are manifestly unable to supply. Modern government demands the services of engineers, chemists, bacteriologists, statisticians, psychiatrists and a host of other technical experts whose employment is quite beyond the capacity of small local communities. The industrial revolution must not, however, be thought of as the sole and exclusive cause for the centralization of government. Many other factors, historical, geographical and sociological, have influenced in varying degrees the extent to which the force of the new industrial economy has been effective in transforming government in particular circumstances.

In France, where government is more highly centralized than in any other constitutional state, the process of centralization was completed before the effects of the industrial revolution were felt. Under the old regime, in spite of a decentralized legal system and the provincial *parlements*, government in local matters was largely under the control of the king's agents. The revolution introduced experiments in local democracy, but these were speedily swept away by Napoleon, who finally unified French law by the establishment of the civil code and set up a system of extreme administrative centralization which has lasted with little change to the present. Such few changes as have occurred have been in the direction of decentralization, and the trend of opinion in France today is definitely toward a larger degree of local autonomy.

The history of centralization in England dates from the passage of the Municipal Corporations Act in 1835. Parliament possesses, of course, unlimited legislative competence, but before this date it had only occasionally concerned itself with local affairs. Local Government was thoroughly decentralized, the only unifying factor of importance being the common law, which was administered through the king's courts. During the last century, however, a large body of statutes regulating local government has been enacted. This legislation has been framed in general terms and has left much more to the discretion of administrative officials than have corresponding state laws in America. The result has been the growth of an elaborate and complex system of administrative control. The functions of local government are not ordinarily performed directly, as in France, by officials of the central government. There exists in England rather a system of supervision which involves the enforcement of standards, the holding to a strict accountability. M. R. Maltbie (*English Local Government of Today*, New York 1897, p. 260) has summarized as follows the instruments by which administrative centralization has been effected in England: grants in aid, that is, national subsidies for local services, conditioned upon the maintenance by local authorities of minimum standards which the national government sets up; administrative orders and regulations issued by the central administration under broad statutory powers; approval or disapproval by central administrative authorities of acts of local authorities under statutes which require approval for their validity; decisions on appeal by central authorities from decisions of local authorities or in cases in which one party at least is a local authority; the taking over of the administration of local affairs by the central authorities when the local authorities have neglected to perform their duties or have improperly performed them, and the imposition of penalties for maladministration; the conduct of investigations, the publication of reports and the diffusion of information by central authorities with regard to local administration.

In the United States the extreme localism of the colonial period persisted after the winning of independence. In the opening up of the new communities in the West reliance was chiefly upon local institutions of government. The Jacksonian epoch, with its emphasis on popular elections, rotation in office and hostility to bureaucracy, strengthened the centrifugal tendency. But the adoption of the federal constitution and the great series of Supreme Court decisions beginning with Gibbons *v.* Ogden [9 Wheaton 1 (1824)] inaugurated a growth of the federal power at the expense of the states which has been continuous for more than a century. Federal centralization has been chiefly political in character and has taken two forms. The amendments to the constitution, particularly the fourteenth, sixteenth and eighteenth, have greatly extended the scope of federal authority. And through an increasingly broad construction of the constitution the courts have encouraged Congress to legislate upon a wide variety of subjects. The interstate commerce clause has been so interpreted as to permit Congress not only completely to control the instruments and agencies of interstate commerce but under the guise of regulating commerce to establish effectively a supervision over the general welfare of the people. The due process clause of the Fourteenth Amendment has been used by the courts as a means to nullify state legislation, presumably enacted under the state's police power, which does not meet the approval of the judges. Through the power of judicial review there has thus been accomplished not only a centralization of legislative power but a centralized judicial control which is not to be found in any other country. In recent years Congress has appropriated large sums of money as grants in aid to the states to assist them in a number of tasks, including road building, education, the rehabilitation of ex-soldiers and the care of mothers. Such grants are made contingent upon the states appropriating at least an equal sum and are accompanied by the requirement that certain standards of efficiency shall be maintained in administration.

The enlargement of state authority over the local communities dates in the United States only from the Civil War. In relation to their local communities the American states have not developed the degree of centralization which obtains in Europe. They have, nevertheless, made long strides in the last two generations. The process involves detailed regulation by an elaborate structure of statutory enactments rather than the building up of an administrative machine. The American doctrine of the separation of powers has been interpreted so as to prevent the development of a system of administrative regulations. There is, however, a wide variety of means by which the states are assuming control over local affairs. Any classification must be partial, but the following summary has been suggested (White) as including the most usual devices: advice and information; requirement of reports; inspection without specific power of control; inspection with conditional grant of money; audit of accounts; requirement of prior permission; authoritative review; issuance of orders with power to compel performance; partial or total assumption of activity.

The advantages of centralization have been strongly urged on the ground of efficiency. Certainly many of the functions of modern government cannot be effectively performed except upon a national scale. There is, however, the danger in centralized government of failure to differentiate between communities whose circumstances are widely variant. There is the danger of reducing all government to a dead level of uniformity, where variety would permit useful experimentation and allow adjustments to be made to particular conditions. This has been strongly felt in France where all important regulations emanate from the central government and the local communities have only the most meager share in the determination of their own affairs. Not only is there often great delay in securing the central government's attention to local needs, but decisions are made by bureaucrats, often mere clerks in government departments, who do not possess the information or interest of citizens immediately concerned.The movements for regionalism in France, for devolution in England, for municipal home rule in the United States, are manifestations of currents in public opinion hostile to these tendencies toward centralized government.

The problem of the best organization of government ought not, however, to be approached merely as one of efficiency. The aims and purposes of government have a direct relation to the form that it should take. If we believe that the fullest possible development of the individual is the primary end of government, it is clear that there is an educational function that must not be neglected and which is not completely performed through the public school system. Participation in politics offers the individual citizen a significant means for self-realization. Yet this is practicable only where there are institutions of local self-government offering not merely to the few but to the many an opportunity for acquiring an experience in public affairs. An effective democracy demands something more than that the qualified voters shall occasionally cast their ballots for national or state representatives. But if the postulates of democracy demand that some effective share in political determinations be provided the ordinary citizen, the question of the most fruitful form of organization is of significance. Such organization should spring from the individual's primary interests and provide the best means for their expression. Neighborhood relationships undoubtedly constitute one set of such primary interests, and institutions of local government afford the opportunity for their realization. But in our present day civilization the most significant relationships are becoming increasingly functional and less and less geographical. Occupational and professional attachments are coming to mean much more than the ties of neighborhood, ward or election district. A vital, continuing interest in politics can be secured only by developing, alongside the instutitions of local self-government, a network of institutions and agencies based upon the economic and occupational relationships of individuals.

W. J. SHEPARD

See: DECENTRALIZATION; STATE; MONARCHY; ABSOLUTISM; SOVEREIGNTY; AUTONOMY; FEDERATION; FEDERALISM; NATIONALISM; GOVERNMENT; LOCAL GOVERNMENT; MUNICIPAL GOVERNMENT; BUREAUCRACY; ADMINISTRATION, PUBLIC; ADMINISTRATIVE AREAS; ADMINISTRATIVE LAW; COMMISSIONS; GRANTS IN AID; JUDICIAL REVIEW; CODIFICATION; POLICE POWER; EXPERT; GOVERNMENT REPORTING; COMPACTS, INTERSTATE; CONCURRENT POWERS; STATES' RIGHTS; REGIONALISM; HOME RULE; PLURALISM; LOCALISM.

Consult: United States, Library of Congress, Division

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CERCLES DE FERMIERS. *See* FARMERS' ORGANIZATIONS.

CEREMONY

PRIMITIVE. Social intercourse among primitive peoples is commonly regulated by fixed patterns. An Australian, for example, treats his mother's brother in a predetermined way distinctive of this particular relationship; and as soon as he discovers that a newcomer, even though he may be from a different tribe, is to be addressed as "maternal uncle" the form of behavior toward him is at once clarified. In Australia, in fact, all individuals with whom social relations are to be maintained at all must be fitted into one or the other of the traditional kinship categories; and a corresponding mode of treatment automatically follows.

Such standardization is often extended to a variety of activities, embracing even what are to us trivial details of the daily routine. A Crow Indian will not simply unwrap his shield: he takes live coals, burns incense, holds his shield over the fire, raises it a little, lowers it, lifts it higher than before and thus continues until the fourth time, when he raises it high above his head and proceeds to remove the covering. In Uganda the father of a nursling would not set out on a journey without previously jumping over the child's bedding, specially brought out for the purpose by the mother, and then jumping over his wife. Again, Maori fowlers returning from their first day's outing were welcomed by the women who waved branches without uttering a sound; a new fire was kindled; the priest recited an incantation over it; and it was only after the priest had taken the first bird snared, pronounced another magical spell and offered the body to the gods that a feast followed and the season was regarded as open. Indeed, at the meal itself the celebrant ate birds cooked in one oven, the fowlers those from another and the rest of the people ate birds from still another oven.

In each of these instances the end in view is apparently not sought in consonance with the rationalistic principle of economy but by a devious route. For natives, however, the intervening performances are not trivial delays but elements essential to the success of the undertaking. Any set series of observances not founded in reason, whether overtly associated with religious significance or not, may be designated as ceremonial. A ceremony is not inevitably rooted in religious faith as commonly understood, but it partakes of the solemnity of a religious act. Further, because of the strong primitive tendency to form secondary associations and the overshadowing significance of the supernatural in primitive conditions, a primarily secular observance is very frequently invested with a religious halo. Even when no specific personal deity is linked with the performance the atmosphere is one of supernaturalism and the slightest departure from traditional norms may be fraught, in the native's mind, with catastrophic consequences.

While the essence of ceremonialism probably exists everywhere and is everywhere much the same, its specific manifestations inevitably vary in form and quantity. Naturally, societies which recognize hereditary classes that are hierarchically graded evince a great measure of ceremonial in social behavior. Thus in Tonga, which places a characteristically Polynesian emphasis on pedigrees, a speaker never addressed an assemblage of chiefs before first enumerating the various great personages, who at least in theory are supposed to follow one another in order of dignity. On these islands the pontiff was regarded as semi-divine and took precedence over the temporal ruler. He was often carried in a litter, any mat or bark cloth he touched became consecrated to his own use, and metaphorical verbiage was employed in speaking to or about him. "The heavens are void" was the phrase used to announce his death. In accordance with Tongan notions of kinship, however, this dignitary was outranked by his elder sister and special ceremonial rules obtained between him and her family, as well as between him and the people in general. The pontiff put his head under the foot of the eldest daughter of his elder sister and was obliged to abstain from eating in the presence of all sororal nephews and nieces. But all others were his inferiors: noble officials executing his business kissed his feet, lesser attendants allowed his foot to rest on their heads, and the riff-raff were too plebeian to touch him directly at all and were cured of illness by being rubbed with the bowl in which the great man had washed his hands. Equal elaboration of ceremonial is reported from many Negro kingdoms in Africa, where court procedure often rivaled in intricacy the arrangements fashionable in France in the time of Louis XIV. In Africa, as in Polynesia and in Europe, the etiquette engendered becomes so complex as to encumber the supposed beneficiaries and make equal victims of all classes.

But a fair sociological estimate of ceremonial must envisage other than purely rational motives. When the essentially non-rational nature of human beings is considered, the apparent waste of effort implied in ceremony achieves in truth a kind of economy of its own. That is to say, the individual, instead of being obliged to devise solutions to meet a series of constantly shifting social contingencies, has his course definitely prescribed in its minutest details. He knows precisely what must be done when his son is born, when his daughter has her first menses, when he himself sets out on a war party or returns laden with booty. He need not worry as to the proper mode of behavior, since a sanctioned pattern of conduct exists ready made and is merely to be learned from observation and the precepts of his elders.

Nor is the consequent sense of security the only positive gain. Ceremonial also serves the ends of beauty and is intertwined with specifically aesthetic motives. Thus the repetition of acts according to a mystic number should probably be linked, as Boas suggests, with the urge for rhythm. Again, the impersonation of supernatural beings, so common in the secret societies of African Negroes and other aborigines, the Plains Indian fiction that the first tree chopped down for the Sun Dance lodge is an enemy and must be struck accordingly, and many similar features are in no wise inevitable exhibitions of the religious impulse, which might be satisfied by an ungarnished prayer, sacrifice or thanksgiving. If ceremonialism develops until a rank growth of extraneous elements completely obscures the alleged end of ritual, it is clearly because other ends assert themselves and rise to ascendancy. Ceremonial, then, even when associated with religion, exists not as a purely religious phenomenon but as an end in itself, set by profound irrational needs of the human soul for social stability and aesthetic satisfaction.

ROBERT H. LOWIE

HISTORICAL. Ceremony is a formal series of acts indicating, usually by traditional methods, an attitude of reverence or a sense of the exceptional importance of an occasion. All ceremonies are valuable as signs of social experience and also as causes of social experience, in the sense that smiling may be a cause of the joy which it is normally supposed to express. Some ceremonies are religious, others are connected with political institutions and still others are forms of social and cultural intercourse. Religious ceremonies may be magical in origin, as in the case of processions with candles or that of the giving of the ring in marriage; and ceremonies of this type seem to retain some of the atmosphere of magic even among highly developed peoples. But magical ceremonies are clearly most powerful in all early stages of civilization, whether the series of acts includes formal words or is a dance form only. The acts which are supposed to affect divine or non-human forces have also psychological effects upon the doers and are often continued because these effects are valued, long after the magic in the acts is discarded or forgotten. Thus certain forms of prayer, cult or worship survive because of their psychological effects.

Kneeling, placing hands palm to palm, bowing and processions are typical elements of ceremony; but a characteristic ceremony is generally a behavior pattern made up of many of these. The ceremonies of Assyrian, Egyptian, Hittite, Greek or Roman civilization may be regarded as at once religious and political, as we use those words. They bound the community together and heightened the sense of a common life, as in harvest or death ceremonies or in the more sophisticated Athenian ceremonies, the Anthesteria or the Eleusinia. Ceremonies gave a person his place in society, marked his transition through the crises of adolescence or manhood (*rites de passage*) or canalized the emotions at a change of seasons. They have had, therefore, an immense importance in the development of group experience in all types of civilization. The repetition of well recognized behavior patterns gave the first sense of a traditional order in social relationships. Ceremonies gradually elaborated out of many different elements have been the support or even the source of the authority of priest or king and of the sense of common life in any group or people.

Some ceremonies, such as the Eleusinian mysteries, developed out of magical acts and have made men feel a relation to the universe which could not be expressed in doctrine; and some ceremonies have given rise to beliefs as to deity or as to the fate of man at death. Indeed, it was not until very recent times that argument or the inculcation of doctrine was regarded as the most important element either in religion or in political society. The altar is older than the pulpit; the throne older than the tribune. But the pulpit and the tribune do not supply in social experience what was once found in ceremonies. The most influential of all western ceremonies is the mass, in various forms both within and outside the Roman Catholic church—a form of ritual dance by sacred persons, uniting the congregation to themselves by what is called "communion." In its highly developed forms since the fourteenth century, both in the western and in other sections of Christian organization, it has combined pre-Christian "mysteries" with ritual hymns and prayers added in crises, as the *Agnus Dei*. Sacramental ceremonies, for baptism, marriage or extreme unction, continued into the Christian tradition the earliest *rites de passage*, and different seasons had their ceremonies, as at Christmas or Easter. In non-Christian traditions the ceremonies of Judaism and Islam give great prominence to a sacred book; and they are generally more individualistic, as in the case of the Islamic prostrations in prayer. The ceremonies connected with "purification" of women after childbirth or with circumcision seem to relate the individual to the community. In surviving Asiatic religions such as Hinduism, ceremonies include the ritual slaughter of animals, bathing and turning of prayer wheels, some undertaken by priesthoods, some by devout individuals. Where mediaevalism continues, as in India, there is hardly any distinction between religious ceremonies and social customs embodied in rituals. But in China mediaevalism seems to be less religious, in our sense, and more closely confined to ceremonies of human intercourse or of the crises in experience, such as death. Ancestor worship, as it is called, is largely a matter of ceremony.

In most forms of religion a revival of enthusiasm is marked by an opposition to traditional ceremonies; for it seems to be the habit of those with exceptional religious experience to believe that the traditional forms of action obscure or exhaust the spirit underlying action. In the Protestant Reformation mediaeval ceremonies were regarded as signs of superstition; in the Enlightenment of the eighteenth century ceremonies were regarded as concessions to the needs of the unintelligent. But precisely the same attitude toward ceremony in religion is found in all ages among mystics or individualists. Thus in Islam and Buddhism the same disdain of ceremony is to be found as in Protestant forms of Christianity. This attitude is a rationalization which has led to a complete misunderstanding of the character of ceremony; for ceremony is never intended to inculcate doctrine. But when it is used to convey nontraditional attitudes or emotions it changes into drama. In the Greek, mediaeval and Chinese drama, ceremonies or ritual forms are used as means of expression for various and new conceptions; but in such cases the distinction between religion and art is not yet established. The ceremonial dance, play, music or painting is not in our sense of the word "art," but more nearly what we call "religion." What ceremony is in earlier undifferentiated stages of civilization is best understood by us if we consider some contemporary social ceremony such as shaking hands; for an effectual ceremony is not an arbitrary symbol, nor is it clearly divisible from the attitude it is supposed by rationalizers to express.

As the earlier phases of civilization pass into a division of functions among different institutions, political authority is reenforced and in some cases made "sacred" by traditional ceremony. It is thus with the religious crowning of a king, a survival of which may be noted in the inauguration of a president. Survivals of the primitive are to be seen in the military ceremonies of armed forces, presentation of colors and reviews of troops or ships. The prestige of the law is enhanced by the ceremony of court procedure; authoritative assemblies preserve traditional practises, as in the bow toward the speaker's chair in the British House of Commons; diplomacy continues the mannerism of augurs. Especially at important occasions the ceremonies used are traditional; but new rituals can be invented, as in Armistice Day celebrations. An occasion is rendered more impressive by ceremony, as at the drinking of a toast. A person is given greater influence by ceremony, as in the case of a chairman at a meeting.

In social intercourse the most primitive customs of greeting or departure developed into shaking hands in the West or bowing in the East or taking off the hat or clasping hands together. Kissing has a more restricted ceremonial use now than it had in Europe in the fifteenth century; but, on the other hand, some forms of respect, as, for example, men's rising at the entrance of women, tend to spread from "superior" classes to the whole of society. An egalitarian society adopts ceremonies used among equals in a "superior" class. Thus ceremonies become marks of good breeding and indeed do promote a certain graciousness in the contact between persons. Thus also ceremonies pass into etiquette and finally into manners and are, as Confucius recognized, the skeleton bearing up the body of civilization.

The sense of the value of ceremony seems to vary in proportion to the sense of tradition and of mutual dependence. In individualistic societies ceremonies and even manners or traditional forms of politeness are regarded as hypocritical or superficial; and indeed at some stages of social development traditional forms obstruct the tendency to new experience. It is significant that in the section of experience in which ceremony is still strongest—the religious—the social development has been much slower than in politics, industry or art. Ceremonies are like the forms of language, not rationally planned or amenable to reconstruction by analytic reasoning, but preserving a tradition most adequately when most easily adaptable to new situations. The function of ceremony seems to decrease in importance as a community becomes more civilized, because more of social experience can be conveyed and shared by other means. The sense of unity, for example, may be preserved in any people without flag ceremonials if daily life has a common pattern. Education takes the place of puberty rituals for the entry of a new generation into responsibility for social order. But there is some place for ceremony in any society, just as manners are essential to a democracy even if they have not the same place as in a caste society.

C. DELISLE BURNS

See: RITUAL; ETIQUETTE; CONVENTIONS, SOCIAL; SOCIETY; SOCIAL ORGANIZATION; CUSTOM; FOLKWAYS; TRADITION; CONFORMITY; CONDUCT; RELIGION; MAGIC; ANCESTOR WORSHIP; HERO WORSHIP; DEIFICATION; BIRTH CUSTOMS; DEATH CUSTOMS; MARRIAGE; INITIATION; CASTE; CLASS; MONARCHY; COURT, ROYAL; DIPLOMACY; DANCE; DRAMA; ART; SYMBOLISM; ICONOCLASM.

Consult: FOR PRIMITIVE CEREMONIES: Lowie, R. H., "Ceremonialism in North America" in *American Anthropologist*, vol. xvi (1914) 602–31, and *The Religion of the Crow Indians*, American Museum of Natural History, Anthropological Papers, vol. xxv (New York 1922) p. 403; Gifford, E. W., *Tongan Society*, Bernice Pauahi Bishop Museum, Bulletin no. 61 (Honolulu 1929); Firth, Raymond, *Primitive Economics of the New Zealand Maori* (London 1929) p. 149; Roscoe, John, *The Baganda* (London 1911) p. 17–18; Torday, E., and Joyce, T. A., *Les bushongo* (Brussels 1910) ch. ii; Seligman, C. G., and B. Z., *The Veddas* (Cambridge, Eng. 1911) ch. ix; Karsten, Rafael, *Ceremonial Games of the South American Indians*, Societas Scientiarum Fennica, Commentationes humanarum litterarum, vol. iii, no. 2 (Helsingfors 1930).

FOR HISTORICAL CEREMONIES: Spencer, Herbert, *Principles of Sociology*, 3 vols. (London 1876–96) vol. ii, pt. iv; Harrison, Jane, *Ancient Art and Ritual* (London 1913), and *Themis* (2nd ed. Cambridge, Eng. 1927); Widgery, A. G., *Comparative Study of Religions* (London 1923); Duchesne, L., *Origines du culte chrétien* (3rd ed. Paris 1902), tr. by L. M. McClure as *Christian Worship* (5th ed. London (1919); Gennep, Arnold van, *Les rites de passage* (Paris (1909); Ellis, Havelock, *The Dance of Life* (London 1923) ch. ii; Hocart, A. M., *Kingship* (London 1927) chs. vii–viii; Woolley, R. M., *Coronation Rites* (Cambridge, Eng. 1915); Satow, E. M., *A Guide to Diplomatic Practice*, 2 vols. (2nd ed. London 1922); Campion, G. F. M., *An Introduction to the Procedure of the House of Commons* (London 1929).

CERNUSCHI, HENRI (1821–96), French-Italian politician and economic pamphleteer. Cernuschi, a lawyer by training, was one of the radical-bourgeois leaders during the "five days" (March 18–22, 1848) in Milan. Later in the Roman assembly he championed a republic and opposed monarchistic centralization under Piedmont. Compromised by his enlistment under Garibaldi's banner and disillusioned he went in 1850 to France, where he engaged in banking and speculation. He gained the favor of Napoleon III and accumulated a fortune which enabled him to retire in 1870. In the meantime he was active also in French politics. By the end of the sixties he joined the anti-Bonapartist forces, figuring as a frequent contributor to *Le siècle* and financing the republicans opposed to the plebiscite of 1870. For a while he entertained a passing fancy for cooperation and financed with considerable personal loss the cooperative selling of meat. This experience led to the publication of *Illusions des sociétés coopératives* (Paris 1866). He is perhaps best known as "the most ardent, enthusiastic and combative of the bimetallist pamphleteers" (F. A. Walker) and as the inventor of the term bimetallism. His interest in monetary problems was first evidenced in 1865, when he published *Mécanique de l'échange* (Paris) directed against banknotes (*or supposé*), but his multifarious activity in behalf of the bimetallist cause began only a decade later. He came to the United States to testify before the congressional monetary commission in 1877 and served as a delegate of France to the international monetary conference of 1881 and the Paris monetary congress of 1889. He also published a large number of tracts, most of which were translated into English. Orally and in print he fought zealously for international bimetallism based on a 15.5 ratio. Since he insisted on disregarding completely the price trend in the free market for silver he probably did more harm than good to the cause to which he was so quixotically attached.

SOLOMON KUZNETS

Consult: Bertolini, Angelo in *Giornale degli economisti*, 2nd ser., vol. xii (1896) 609–16; Strauss, Louis, "Le pair bi-métallique de M. Cernuschi" in *Journal des économistes*, 4th ser., vol. xl (1887) 367–78.

CERTIORARI at common law is a discretionary prerogative writ issued from a tribunal of superior jurisdiction to one of inferior, commanding the latter to certify to the former a record of its proceedings either for use as evidence or in order that they may be reviewed. Originally the writ of error was apparently merely a special kind of certiorari. After it had developed separate identity as the normal procedure for review of proceedings in inferior law courts of general common law jurisdiction, certiorari as we now know it took shape for review of decisions by tribunals of limited jurisdiction or tribunals "not proceeding according to the course of the common law," at least where no other method of review was specially provided. Thus in England during the eighteenth century many proceedings before justices of the peace in petty criminal cases were removed by certiorari either before or after decision into the court of King's Bench.

Certiorari also came early into use to test the validity of administrative action. The question was first raised in the seventeenth century whether the writ would lie to an administrative agency exercising quasi-judicial functions, and it was at first held that it would not [Ball *v.* Pattridge, 1 Sid 296 (1666)]. But this decision was soon reversed [Rex *v.* Inhabitants in Glamorganshire, 1 Ld. Raym. 580 (1700)], and review of quasi-judicial administrative determinations became one of the normal functions of the writ. It was not long, however, before it lost its importance in this respect. The justices of the peace came to be controlled in their administrative capacity through the general Quarter Sessions of the Justices of the Peace; and they also developed the device of voluntarily "stating a case" to the ordinary law courts. Parliament inserted into many administrative statutes clauses forbidding resort to the courts. Although these held that such limitations did not apply where proceedings were vitiated by defects of jurisdiction, this meant no more than that the courts would determine whether the forms of a statute had been observed. The supremacy of Parliament prevented the courts from interfering with administrative agencies which were no less creations of acts of Parliament than the High Courts themselves. In view of this situation it has been regretted that there exists no special system of administrative courts such as that which prevails in continental countries.

In the United States, however, the interpretation of constitutional guaranties by the courts has led to a considerable use of the writ of certiorari to secure judicial review of the exercise of administrative authority, and it has been one of the means of developing whatever administrative law may be said to exist. The leading doctrine has been that certiorari will not lie to review all decisions by administrative agencies but only those which are held to be judicial or quasi-judicial in nature. But state courts have had great difficulty in agreeing as to the types of administrative determinations which meet this test. The doctrine has been sometimes construed so broadly as to cover practically all determinations requiring the exercise of judgment upon facts and the interpretation of law, e.g. a decision by mayor and aldermen to lay out a street [Parks *v.* Mayor and Aldermen of City of Boston, 8 Pick, 25 Mass. 218 (1829)], the action of school trustees in uniting or dividing school districts [Miller *v.* Trustees, 88 Ill. 26 (1878); State *ex. rel.* Moreland *v.* Whitford, 54 Wis. 150 (1882)] and the action of county commissioners in raising the salaries of county employees [Robinson *v.* Bd. of Sup. of City and County of Sacramento, 16 Cal. 208 (1860)]. In New Jersey the writ apparently lies to review municipal ordinances generally [Christie *v.* Mayor and Council of City of Bayonne, 35 Vroom, 64 N. J. L. 191 (1899)]. The meaning of judicial action has not been construed so broadly in all states. It has been held that certiorari will not lie to review the action of a mayor and aldermen in making an appointment under the civil service laws [Attorney General *v.* Mayor and Aldermen of Northampton, 143 Mass. 589 (1887)] or the action of a health board in ordering the cleaning out of a pond [People *ex. rel.* Copcutt *v.* Board of Health of City of Yonkers, 140 N. Y. 1 (1893)] or cellar [Hartman *v.* Wilmington, 1 Mar., 15 Del. 215 (1894)].

In the case of administrative agencies of the federal government certiorari is practically unavailable because of the holding that administrative action does not become judicial merely because it requires use of discretion [Degge *v.* Hitchcock, 229 U. S. 162 (1912)]. The availability of the writ is further limited by the rule that it will not lie where there exists another method of securing review of the administrative act complained of, e.g. by action at law for damages against the official (People *ex. rel.* Copcutt *v.* Board of Health of City of Yonkers, Hartman *v.* Wilmington, *supra*). In effect this leads to the same result as the application of the test of the "judicial" nature of administrative acts, since ordinarily an action will not lie against an officer for a judicial or quasi-judicial act. It is clear that certiorari will not lie when the administrative act is of a nature which does not result in a record on which the writ can operate, e.g. an act of summary execution.

What administrative errors the courts will correct by certiorari depends on which of several theories they adopt as to the scope of the writ. It has been widely held that the writ opens up only the question of whether the administrative tribunal exceeded its jurisdiction, and that errors of fact or law made by it within the sphere of its legitimate discretion are not subject to correction on certiorari. When this view is taken with the further doctrine that no error will be corrected which requires for its disclosure a resort to extrinsic evidence not appearing on the face of the record below, the review is reduced to narrow limits [Dolan's Appeal, 108 Pa. St. 564 (1885); the People *ex. rel.* Maloney *v.* Lindbloom, 182 Ill. 241 (1899)]. It has been held elsewhere, with or without statutory authorization, that review on certiorari extends to all errors of law made by the administrative tribunal [Morewood *v.* Hollister 6 N. Y. 309 (1852)], including the error of making a finding of fact on evidence not sufficient to justify a reasonable man in reaching such a conclusion [Jackson *v.* People, 9 Mich. 111 (1860); People *ex. rel.* Cook *v.* B'd of Police, 39 N. Y. 506 (1868)]. Substantially the same result is sometimes attained on the jurisdictional theory of review by holding that the existence of jurisdiction may depend on the actual existence of a fact, and that a finding by the administrative body that such fact exists will be reviewed to determine whether there was evidence rationally capable of supporting it: the so-called doctrine of "jurisdictional fact" [State *ex. rel.* Milwaukee Medical College *v.* Chittenden, 127 Wis. 468 (1906)].

With the increasing importance of administrative action of a substantially judicial nature, such as is involved in the decision of workmen's compensation cases, rate fixing cases for public utility services and the like, certiorari offers the most practicable method of court review in face of the constitutional obstacle, raised under the American view of the doctrine of the separation of power, to a direct appeal from such decisions to the courts. A collateral action at law for damages is either not available to bring such decisions before the courts or, when available, is not adapted to the needs of the case. The effect of direct review is sometimes obtained, as in the federal jurisdiction, by a statutory form of injunction; normally, as in New York, it is achieved by extended use of certiorari.

The employment of certiorari to control inferior courts has also proved especially important in the United States as a statutory means of bringing proceedings of lower courts before the Supreme Court. Since the writ is discretionary in the reviewing court it affords a way of enabling an upper court to sift the business coming before it and to take jurisdiction only of cases of such importance as to justify, in the opinion of the court, the time which their consideration involves. The overburdened docket of the United States Supreme Court has therefore led Congress to prescribe certiorari in an ever increasing number of cases as the method for bringing decisions of lower courts for review before the Supreme Court. The method was first resorted to in the act of 1891 establishing Circuit Courts of Appeals. Certiorari has since been substituted for the writ of error (which is a writ of right) in additional classes of cases, notably by the act of 1916 which prescribed certiorari as the method of securing review by the Supreme Court of all decisions of state courts except those denying the validity of an exercise of federal authority or affirming the validity of an exercise of state authority which had been challenged as an infringement of the federal constitution or laws. By the act of 1925 certiorari was also made the sole method of appeal to the Supreme Court from decisions of the Court of Appeals of the District of Columbia, and from the Federal Circuit Courts of Appeals except in the single case where a state statute has been challenged as repugnant to the federal constitution and the decision has been against the validity of the statute. This restriction of appeals as of right to the Supreme Court and the substitution of discretionary review by certiorari will, it is hoped, operate to some extent to relieve the pressure on the court by excusing it from considering routine questions of law and allowing it to concentrate its attention on issues which in its opinion are of major importance. The extent to which this hope will be realized must depend upon whether the jurisdictional rules of the court are laid down with such clarity that few needless applications for certiorari will be made. In this the cooperation of the bar is obviously also required. In 1925, following the enactment of the new Judiciary Act, the Supreme Court had to consider the rather large number of 539 petitions for certiorari, and this figure has thus far been exceeded in each subsequent year. It indicates the danger that too much of the time of the Supreme Court may be taken up in deciding, when it can put its time to better advantage.

John Dickinson

See: Courts; Appeals; Procedure, Legal; Writs, Legal; Administrative Law; Judicial Review; Courts, Administrative.

Consult: Goodnow, F. J., "The Writ of Certiorari" in *Political Science Quarterly*, vol. vi (1891) 493–536; Dickinson, John, "Judicial Control of Official Discretion" in *American Political Science Review*, vol. xxii (1928) 275–300, and *Administrative Justice and the Supremacy of Law*, Harvard Studies in Administrative Law, vol. ii (Cambridge, Mass. 1927); Freund, Ernst, *Administrative Powers over Persons and Property* (Chicago 1928) p. 260–69; Hewart, G. H., *The New Despotism* (London 1929); Zoline, E. N., *Federal Appellate Jurisdiction and Procedure* (3rd ed. New York 1928) ch. viii; Frankfurter, Felix, and Landis, J. M., *The Business of the Supreme Court* (New York 1927).

CESSION is primarily a term of international law denoting the act, within the limits of that law, of a state in granting to another state rights possessed by the former in respect of territory, as modified by any servitudes resting thereon. Where a state incorporates itself entirely with another state the action goes beyond cession and is not to be so regarded, and where—but only where—an entire state and the governmental organization exercising its sovereignty are conquered by force the action escapes the limits of cession. The term might etymologically be applied to the grant of non-territorial rights but it is not commonly so employed. On the other hand the action cannot be confined to the grant of full sovereignty over territory and hence cannot always be spoken of as a cession of territory itself. Thus there may occur a cession of territorial jurisdiction, or rights of use and exclusion, without full sovereignty or the right of alienation (as in leased areas and concessions).

The power to cede territorial rights depends upon enjoyment of international status by the ceding state (dependencies may not cede) together with prior possession of the rights ceded (internationalized states may not cede). The power to cede may also have been limited or lost entirely by a prior agreement concluded by the sovereign state possessing normal territorial rights (as by the treaty of 1903 between Cuba and the United States). It is also limited slightly by rules of general international law; thus the power of a state to cede a portion of its territory occupied under the law of war by forces of another state is impaired by the somewhat indeterminate status of the sovereignty over that territory.

But the power of a state to cede a portion of its territory is not under international law limited by any requirement for consent, in plebiscite, by the inhabitants thereof. Such consultation of the inhabitants of territory to be ceded is gaining favor as a result of the growth of support for the principle of national self-determination, or government by consent of the governed. In practise, however, it is subject to the exigencies of national policy. By the Treaty of Versailles such action was taken in a number of territories ceded therein (e.g. Schleswig) but not in all (e.g. Alsace-Lorraine).

It does not appear that cession must be accomplished by use of the term itself, or of any particular formula. The action may be given the form of a relinquishment or renunciation. It may be accomplished without written treaty agreement as by tacit cession, under the rule of *uti possidetis* at the end of war; indeed it is such tacit cession which alone converts military conquest into acquisition of title. Agreements for delineation of interstate boundaries may involve cessions of territory not expressly designated as such. Nevertheless the action depends for its completion upon both the consent of the ceding state and that of the grantee (otherwise it would be mere abandonment) together with formal taking possession by the latter. Cession of full sovereignty or of mere territorial jurisdiction may be made in perpetuity or for a period of time, as in cases of leased territory. Partial and temporary surrender of territory has been described as disguised cession, but the true character of the action must be determined in each case by application of the principles stated herein.

The motives which may lead a state to cede territorial rights are not determined by international law. It may take such action for the sake of pecuniary compensation (sale, lease), in consideration of other territorial rights received from the grantee (exchange) or for any other reason which seems sufficient to itself, as, for example, to avoid the expense of reconquest of occupied territory or to avoid military attack and possible conquest.

The effect of cession is to substitute the grantee state in the territorial rights of the ceding state. In view of the rights of these parties to participate in such a transaction under international law, other states are under obligation to recognize this substitution. For example, the United States is bound to recognize the cession of Alsace-Lorraine to France although it is not a party to the Treaty of Versailles. The grantee may now cede the rights acquired by him unless, as in cessions of jurisdiction, the cession has been made without power of alienating them. The rights of the successor state are limited by the law of state succession in general and are frequently limited in treaties of cession themselves. The successor state takes all public property in territory ceded in full sovereignty, unless it is otherwise stipulated by treaty. It inherits, in principle, all public debts attached to the territory ceded or reasonably contracted for its specific benefit, together with a share, proportioned to the capacity of the ceded territory, of the general public debt of the ceding state, provided it has not been contracted for the purpose of resisting the efforts of the grantee to compel the cession by force. Because of the complexity of these standards and the effects of their application the question requires detailed negotiation and settlement in treaty agreement. The public law—constitutional, administrative and criminal—of the ceding state ceases to enjoy authority in the ceded territory where it conflicts with the public law of the grantee state. The latter may now extend its public law to the territory. It may also henceforth modify the law regulating private relations in it, but private rights relating to property, contract or tort remain intact at the time of transfer. The nationals of the ceding state who are resident in the ceded territory become nationals of the grantee state whether so stipulated in the treaty or not; it is not obligatory for the grantee state to allow such individuals to retain their original nationality but this is frequently done (option) subject to any conditions of removal and disposition of property imposed by the grantee state.

PITMAN B. POTTER

See: STATE SUCCESSION; CONQUEST; ANNEXATION; PLEBISCITE; SELF-DETERMINATION, NATIONAL; TREATIES; BOUNDARIES; CONCESSIONS.

Consult: Hershey, A. S., *The Essentials of International Public Law and Organization* (rev. ed. New York 1927) p. 279–83, containing further references to treatises on international law; Lawrence, T. J., *The Principles of International Law*, ed. by P. H. Winfield (7th ed. Boston 1923) §§ 49, 76; Louter, Jan de, *Le droit international public positif*, 2 vols. (Oxford 1920) vol. i, p. 362–74; Phillipson, Coleman, *Termination of War and Treaties of Peace* (New York 1916); Guggenheim, Paul, *Beiträge zur völkerrechtlichen Lehre vom Staatenwechsel* (Berlin 1925); Kunz, J. L., *Die völkerrechtliche Option*, 2 vols. (Breslau 1925–28); Mattern, Johannes, *The Employment of the Plebiscite in the Determination of Sovereignty* (Baltimore 1920); Sack, A. N., *Les effets des transformations des états sur leurs dettes publiques et autres obligations financières*, vol. i– (Paris 1927–).

CHAADAYEV, PETER YAKOVLEVICH (1794–1856), Russian social philosopher. A member of an old aristocratic family, he served in the army during the Napoleonic wars but resigned from military service in 1820. He participated in the secret revolutionary organizations of his fellow officers of the guard, but in 1821 he left Russia to return only in 1826, after the insurrectionists of December, 1825, had been severely punished for their courage. Early in his career he came under the influence of de Maistre, Bonald and Ballanche. In the famous letters on the philosophy of history, written in 1829, he declared that Roman Catholicism was the universal form of Christianity and that outside of its discipline no civilization, no continuous progress, was possible. He held that the Russians had handicapped themselves from the start by borrowing Christianity from corrupt Byzantine sources. Russian history exhibits no significant cultural development and the Russian nation, far from representing the synthesis of occidental intellectualism and oriental imaginativeness, is merely uncivilized, barbarous. The publication of the first "philosophical letter" in a Moscow magazine in 1836 provoked a storm of official and popular indignation. The magazine was suppressed, its editor exiled to the far north, the censor dismissed and the author declared mad by order of the czar. The letter was a sharp thrust at the official doctrine of autocracy and Greek orthodox Christianity, which extolled ancient national virtues and proclaimed the superiority of Russia to the nations of the West. In the words of Herzen, it was "a shot of alarm in the darkest night" of Nicholas I's reactionary reign, and earned for Chaadayev the reputation of a revolutionary philosopher. In the "apology of a madman" he attempted a reconciliation with the authorities and the Slavophiles, an emerging group of nationalist thinkers. He renounced his "exaggerations" and admitted that it was possible that in the future Providence might entrust Russia with a "mission" to the world, but he still rejected Slavophile delusions as to the significance of the Russian past. Eventually he decided that his ideas were too far in advance of the times and retired to private life. He received a few friends at home and appeared occasionally in the Moscow literary salons—a handsome and lonely figure looking down with silent irony on the worldly clamor about him.

PAUL MILIUKOV

Works: *Oeuvres choisies*, ed. by Father Gagarin (Paris and Leipsic 1872); *Schriften und Briefe*, tr. from the French with an introduction by E. Hurwicz (Munich 1921).

Consult: Gershenzon, M., *P. Ya. Chaadayev; Zhizn i mishlenie* (Life and thought) (St. Petersburg 1908); Winkler, M., *P. J. Čaadaev*, Osteuropäische Forschungen, n.s., no. 1 (Berlin 1927).

CHADWICK, EDWIN (1800–90), English sanitary reformer, economist and statistician. Although he was not a physician his continued insistence on the connection between disease and poverty and on the importance of state regulation of sanitation makes him one of the great figures in the history of public health. He was born at Longsight, Manchester, but his parents moved to London in 1810. He worked his way to the bar by engaging in journalistic activities. Attracting the notice of Jeremy Bentham, he became the philosopher's assistant and lived with him until Bentham's death in 1832. Henceforth he devoted his life to the cause of social reform, and particularly to questions of the poor law and public health. As a member and later as secretary of the Poor Law Commission of 1832 he carried through much important work despite strained official relationships. The introduction of the half time system of education may be traced to Chadwick's report on child labor in factories. Recommendations which he made as the result of an investigation into the causes of epidemic diseases in Whitechapel laid the foundations for an enlightened program of urban sanitation. Chadwick, more than anyone else, was responsible for the formation of the first Board of Health in 1848, and was one of its first members. By its very nature the board infringed on local autonomy and vested interests, and this led to its reconstruction in 1854, when Chadwick "retired" on a pension. For over a generation after his "retirement" he continued his crusade for social reform on a wider basis and with an enthusiasm no longer curbed by official restraint. He achieved a European reputation as a sanitarian. His activities were varied and to them is due much of the progress in poor law reform, water supply, drainage, sewage utilization, army sanitation, tropical hygiene, interments in urban areas, open spaces, school architecture and the education of pauper children.

W. H. DAWSON

Works: Chadwick's principal writings were collected in *The Health of Nations: a Review of the Works of Edwin Chadwick, with a Biographical Dissertation*, ed. by B. W. Richardson, 2 vols. (London 1887).

CHAIN GANG. *See* PRISON LABOR.

CHAIN STORES. *See* RETAIL TRADE.

CHALMERS, THOMAS (1780–1847), Scottish divine, economist and social reformer. Chalmers was one of the first to put forward the theory that poverty is relative to habit, place and time. He stressed the necessity for investigation of the extent and causes of poverty in each case, as well as for the stimulation of sources of relief within the family and the community, and strongly opposed the whole existing system of taxpaid public outdoor relief, administered on the findings of a mechanical "work house test" of poverty. As head of the parish of St. John in Glasgow he succeeded in obtaining consent to the suspension of the public charity system within the district and substituted an experiment in voluntary poor relief administered by the church and grounded on his theories. The experiment did not last long enough to prove or disprove his contentions, but it started a school of thought, developed by Octavia Hill, Edward Denison and Charles Loch in England and by others in the United States, which eventuated in the Charity Organization movement and finally in the development of the technique of social case work. A parallel movement, known as the "Elberfeld system," had been in progress in north Germany from the middle of the century.

Chalmers accepted the chair of moral philosophy at St. Andrews in 1823 and that of theology at Edinburgh in 1828. These appointments afforded him further opportunity for the elaboration of his social and political theories, which he expounded in his *Political Economy in Connexion with the Moral State and Moral Prospects of Society* (2 vols., Glasgow 1832).

In the ecclesiastical history of Scotland Chalmers' contribution was as outstanding as his accomplishments in the field of social reform. He was not only widely known as a great and stirring orator but was the prime mover in the struggle for spiritual autonomy which culminated in the great secession from the Scottish church and the formation in 1843 of the Free Church.

W. H. Dawson

Works: *The Works of Thomas Chalmers*, 25 vols. (Glasgow 1836–49, new ed. London 1849); *Posthumous Works*, ed. by William Hanna, 9 vols. (Edinburgh 1847–49).

Consult: Hanna, William, *Memoirs of the Life and Writings of Thomas Chalmers*, 2 vols. (new ed. Edinburgh 1878); Blaikie, W. G., *Thomas Chalmers* (Edinburgh 1896); *Chalmers on Charity*, ed. by N. Masterman (Westminster 1900); Holl, Karl, *Thomas Chalmers und die Anfänge der kirchlich-sozialen Bewegung* (Tübingen 1913); Henderson, C. R., Introduction to his abridged edition of Chalmers' *The Christian and Civic Economy of Large Towns* (New York 1900); Held, Adolf, *Zwei Bücher zur socialen Geschichte Englands* (Leipsic 1881) p. 233–41.

CHAMBER OF DEPUTIES. *See* Legislative Assemblies.

CHAMBERLAIN, HOUSTON STEWART (1855–1927), German publicist. He was born in England but became a naturalized German citizen and an influential exponent of the mystical mission of the German nation. He received his early education in France and Germany; he then studied various sciences at Geneva; thereafter he steeped himself in the Wagnerian musical, dramatic and metaphysical theories at Dresden. Chamberlain early became a member of Wagner's circle and married the composer's daughter.

His most famous work is his *Die Grundlagen des neunzehnten Jahrhunderts* (2 vols., Munich 1899, 14th ed. 1922; tr. by John Lees, London 1910). Though pseudo-scientific in character and teeming with self-contradictions this work greatly stimulated the rising racial and nationalistic megalomania in pre-war Germany. Chamberlain saw European culture as the composite product of five factors: the art, literature and philosophy of Greece; the law, statecraft and citizenship of Rome; the Christian revelation as rescued from Romanism by the Reformation; the organizing, creative, regenerating genius of the Teutons; and the alien and disrupting influences of Judaism and the Jews. The *Grundlagen* is thus a vast rationalization of European history animated by a sincere but obscure Christolatry, an aristocratic scorn for the masses and a romantic idealization of the Teutonic race as uniquely conceived by Chamberlain. He rejected the findings of the physical anthropologists and devised a "rational anthropology" of his own, so as to include among his "genuine Teutons" brunets like Dante and roundheads like Luther. He did not define race but held that extensive race mixture was the cause of the decline of Rome and of the subsequent millennium of social chaos. He attributed the Renaissance and the Reformation to pure Teutonic leadership; and he despaired of the European future unless the racial purity of the Teutons could be restored and express itself in an uncontaminated Teutonic religion.

Frank H. Hankins

Other works: *Das Drama Richard Wagners* (Leipsic 1892, 6th ed. 1921), tr. as *The Wagnerian Drama* (London 1915); *Richard Wagner* (Munich 1896; new ed., 2 vols., 1911), tr. by G. A. Hight (London 1897); *Worte Christi* (Munich 1901); *Heinrich von Stein* (written in collaboration with F. Poske, Berlin 1903, 2nd ed. Munich 1905); *Immanuel Kant* (Munich 1905, 4th ed. 1921), tr. by A. B. Redesdale, 2 vols. (London 1914); *Goethe* (Munich 1912, 4th ed. 1927); *Kriegsaufsätze* (Munich 1914, 11th ed. 1915), tr. by C. H.

Clarke as *The Ravings of a Renegade* (London 1916); *Politische Ideale* (Munich 1915); *Lebenswege meines Denkens* (Munich 1919); *Natur und Leben*, ed. by J. von Uexküll (Munich 1928).

Consult: Seillière, Ernest, *Houston Stewart Chamberlain, le plus récent philosophe du pangermanisme et mystique* (Paris 1917); Hankins, F. H., *The Racial Basis of Civilization* (New York 1926) ch. iv; Hertz, Friedrich, *Rasse und Kultur* (3rd ed. Leipsic 1925), tr. by A. S. Levetus and W. Entz (New York 1928) ch. viii; Schroeder, L. von, *Houston Stewart Chamberlain* (Munich 1918).

CHAMBERLAIN, JOSEPH (1836–1914), English statesman. Chamberlain came of an old established manufacturing family. At the age of eighteen he began a twenty-year association with his uncle's screw factory in Birmingham. He retired in 1874, was elected to the House as a Liberal in 1876 and within four years entered the cabinet. From the beginning his political career diverged from that of most Liberals of the manufacturing class in the direction of social reformism decidedly opposed to laissez faire notions. He attacked the established church, demanded liberalized education and land reform, sponsored sanitation and civic planning projects and successfully championed municipal ownership of public utilities in Birmingham. His views were expounded in terms of natural rights doctrine and a theory of the obligation of private property to pay ransom for its security.

In foreign affairs Chamberlain was an apostle of territorial expansion. He fought Irish home rule, proposing instead various combinations of local autonomy and imperial federation, and finally seceded from his party because of differences on this question. As colonial secretary in Lord Salisbury's new Liberal Unionist government of 1895 Chamberlain renovated the administrative machinery of the Colonial Office and enthusiastically set out to extend the empire and to promote trade within it. In matters affecting British interests in Egypt, Uganda, Samoa, the Gold Coast and Lagos and in the events culminating in the Boer War he constantly kept to the fore his program of expansion and consolidation. His policy of reconciliation with the defeated Boers was a link in the chain to bind to Great Britain her dependencies and possessions. The creation of a department of agriculture for the West Indies, the sponsoring of tropical health work and similar enterprises had the same motivation.

Chamberlain, who had seen Birmingham's steel industry badly hit by the dumping tactics of the protected manufacturers of the United States and Germany, gradually abandoned pure Manchesterism for a neomercantilist position. He argued that social progress in Great Britain depended on imperial prosperity, and that prosperity in turn depended on the development of trade within the empire, in the direction of self-sufficiency. His solution of imperial economic problems was the abandonment of free trade and the adoption of reciprocal preference arrangements among the constituent parts of the empire. Three years of agitation with the support of the Tariff Reform League failed to teach the electorate "to think imperially," although later some reciprocal concessions were made.

Chamberlain hoped that commercial and fiscal unity would constitute the basis for political federation. He proposed to the colonial conferences of 1897 and 1902 the establishment of a "great Council of Empire" of advisory character which might develop into that federal council with executive and some legislative power "to which we must always look forward as our ultimate ideal." Chamberlain's proposals met with little support at the time, and recent developments have revealed a tendency toward the substitution of local national rather than imperial attitudes in place of the waning colonial attitudes of the self-governing dominions.

Eight years before his death Chamberlain suffered an attack of aphasia which cut short his career.

Herbert Solow

Consult: Milner, A. M., and others, *Life of Joseph Chamberlain* (London 1914); Gulley, E. E., *Joseph Chamberlain and English Social Politics*, Columbia University Studies in History, Economics and Public Law, vol. cxxiii, no. 1 (New York 1926); Notestein, W., "Joseph Chamberlain and Tariff Reform" in *Sewanee Review*, vol. xxv (1917) 40–56; Fiddes, G., *The Dominions and Colonial Offices* (London 1926).

CHAMBERS OF AGRICULTURE. Chambers of agriculture originated in Germany, where they have attained their greatest development. The oldest existing chamber was created in 1824 in the free and Hanseatic city of Bremen. The movement in its present form had its beginning with the Prussian law of 1894. Since the World War legislation regarding these organizations has been substantially modified and extended. In 1920 both Austria and Hungary adopted measures establishing chambers of agriculture. While their legal structures are somewhat different in the three countries, their general purposes and scope of activities are similar. The analysis below applies largely to the forty-one chambers in Germany.

Chambers of agriculture are a unique mixture of the private and the official in one organization. They are official in that they are supported in part by a land tax levied upon all farmers of the district and collected by the revenue officers of the state. The minister of agriculture may reject the budgets of the chambers if he considers them excessive. The legal intent is that the chambers shall work in close harmony with state and federal officials, who are in turn instructed by law to consult with the chambers in the formulation of agricultural policy. On the other hand, these organizations are free agricultural associations. Their members are elected solely by the agricultural classes. Each chamber elects its own officers. Perhaps the greatest essential difference between the chambers of Germany as compared with those of Austria and Hungary is that the latter are subjected to a greater degree of governmental control, especially in Hungary.

The members of each chamber are elected by secret ballot on the basis of proportional representation. While eligibility for voting differs, the qualifications in Prussia may be taken as typical. "Every German without distinction of sex has a right to vote, who has completed his or her twentieth year, who enjoys civil rights, and has been engaged for at least a year in agriculture as a principal occupation, either as owner, holder in usufruct, or tenant of lands used for agriculture or forestry in Prussian territory. . . . On an equal footing with owners, holders in usufruct, and tenants, are considered the wives of such persons working with them on the farms." All persons qualified for voting who have reached their twenty-fifth year and have lived continuously in the district of their chamber for at least one year are eligible for election. Hence the elected members are drawn entirely from those engaged in farming. The chambers are permitted, however, to choose a limited number of members in addition to those elected, in order to enlist the services of agricultural scientists and others not engaged in farming. The number of members varies with the different chambers. On January 1, 1929, it ranged from eleven in Sigmaringen to one hundred and twenty-three for Saxony. In Baden, for example, the law specifies that thirty-six members shall be elected as representatives of the farmers and eight as representatives of agricultural labor. Twelve additional members are co-opted by the chambers; of these four must represent forestry, one market gardening and one labor, and the remaining six must be persons of repute and of experience in stock breeding, arable farming, viticulture, fruit growing and cooperation.

The general purpose of the chambers is to "safeguard the rights and promote the welfare of agriculture." The following summary of the functions enumerated in the Prussian law illustrates the wide scope and general nature of their mandates: to safeguard agricultural interests, economic, commercial and fiscal; to increase agricultural production in all its forms; to collaborate with state institutions for agricultural purposes; to preserve existing institutions and to create new institutions designed to improve the conditions of the rural classes; to promote the economic disposal of agricultural products; to collaborate in the placing of farm labor; and to assist in the promotion and extension of agricultural education and research.

The chambers specialize in the technical aspects of agriculture as contrasted with the buying and selling activities of the cooperative associations or with the political programs of such groups as the Imperial Land Alliance or the Association of German Farmers' Unions. They work in close harmony with the other organized agricultural groups. The following table of expenditures of the Brandenburg chamber for the year 1927–28 indicates the principal lines of activity followed:

Activities	Expenditures	
	Absolute	Percent
Research, teaching and extension	$ 544,885	31
Veterinary purposes	148,400	8
Promotion of:		
Livestock breeding	309,965	18
Fisheries	319	—
Forestry	65,032	4
Horticulture	86,030	5
Agricultural societies	236,339	13
Administration and other purposes	361,161	21
Total	$1,752,131	100

The Brandenburg chamber, which is one of the largest in Germany, has a staff of more than four hundred people. It maintains laboratories, conducts fertilizer, feed and seed tests, operates experimental farms and agricultural schools.

The following figures on the receipts of the

Brandenburg chamber for the year 1927–28 may be taken as a reliable indication of income sources:

Source of Income	Receipts	
	Absolute	Percent
State subsidies	$ 167,206	10
Other subsidies, including provincial and communal	131,732	8
Taxes	441,829	25
Other receipts, principally for services rendered	1,011,364	57
Total	$1,752,131	100

The central national body is the German Council of Agriculture composed of representatives from the local and state chambers. It looks after those interests of the chambers in which the federal government can and does play a part, and is occupied chiefly with questions of policy. Its activities are divided into five parts: general policies, education and credit; taxation; foreign trade, tariffs and marketing; press and publications; and business management.

Asher Hobson

See: Farmers' Organizations; Agrarian Movements; Agriculture; Peasantry.

Consult: Schindler, Axel, "The Organization of German Agriculture" in *Scottish Journal of Agriculture*, vol. x (1927) 144–55; Altrock, W. V., "Landwirtschaftskammern" in *Handwörterbuch der Staatswissenschaften*, vol. vi (4th ed. Jena 1925) p. 220–29; Date, Heinrich, "The New Legislation on Chambers of Agriculture in Germany" in *International Review of Agricultural Economics*, n.s., vol. i (1923) 151–61; Germany, Brandenburg, Landwirtschaftskammer für die Provinz Brandenburg und für Berlin, *Die Landwirtschaftskammer für die Provinz Brandenburg und für Berlin. Werden und Wirken von 1896–1930* (Berlin 1930).

CHAMBERS OF COMMERCE are essentially institutions for the representation of the vocational and sometimes also civic interests of business men organized on a regional basis. They undertake to develop and facilitate commerce through technical, administrative and promotional work and to influence government organs and officials to give favorable consideration to commercial interests; and they pursue, in the United States, also civic objectives, reflecting the business man's point of view. In the United States and the British Empire such institutions are sometimes, although with decreasing frequency, known as boards of trade, commercial clubs, merchants' associations, boards of commerce and associations of commerce. In other countries the equivalent term for "chamber of commerce" is generally employed, such as *chambre de commerce*, *Handelskammer*, *camera di commercio*, *kamer van koophandel* and *cámara de comercio*.

Associations of merchants for somewhat similar purposes existed at least as early as the Roman Empire, and the mediaeval guilds and corporations were historical prototypes of the chamber of commerce, but the Chambre de Commerce of Marseille, founded in 1599, was the first such organization bearing the modern name. The type of chamber generally created by law in France during the eighteenth century was introduced into the Rhineland by Napoleon and is found today in France, Germany, Italy, Spain, the Austro-Hungarian successor states, Holland, Denmark, China, Japan and Brazil. The Jersey chamber in England and the New York chamber in America were both established, although independently of each other, in 1768. By 1801 New York, Philadelphia, Charleston and New Haven had chambers; by 1858 there were thirty, although some of these had only an ephemeral existence. In 1880 England had less than forty chambers. During the last quarter of the nineteenth century, however, the institution became more popular and in the last thirty years it has spread rapidly, established itself firmly and increased the scope of its work. Today there are 172 chambers in England and approximately two thousand in the United States. More than 2,000,000 individuals are affiliated in several thousand chambers throughout the world, 920,000 being affiliated with the United States Chamber of Commerce through 1655 organizations.

The growth of chambers of commerce has been a concomitant of the expansion of commerce. The increased complexity of problems confronting the merchant class and the growing consciousness of mutual interests underlying competitive activities created the desire for a means of collective action for the solution of those problems and the furthering of those interests. The paternalistic states of continental Europe produced the official type of chamber of commerce, established by law and subject to government control, and supported by government subsidy or special taxes levied on a membership composed of all merchants of a particular class within the district covered. The Anglo-American type of chamber, on the other hand, was a creation of private initiative and is still a purely private and voluntary institution without financial resources except membership dues and small incidental earnings.

The organization of a chamber of commerce consists usually of a board of directors and a president. In the continental type the president is generally a nominal head and the directing board alone is known as the chamber. Work is accomplished through committees and bureaus under the general supervision of a paid secretary, who formulates the program and manages finances. His task has become highly professionalized and in continental countries is regarded as public service of a reputable character, attracting, especially in Germany, where state pensions are provided, many economists and students of international trade. In the United States, however, chambers of commerce, forced by their lack of official support and financial security to resort to constant membership drives and oftentimes to high pressure town boosting campaigns, have tended on the whole to attract as secretaries publicity or promotion men adept in concocting optimistic propaganda but with slight equipment to handle complicated problems of trade development. As a result chamber work in this country is on the whole unscientific. For example, repeated cases of economic distress have resulted from the inevitable failure of industries attracted by publicity and special concessions to locate in unsuitable towns. The secretaries of American chambers have a national organization and a training school which is endeavoring to raise the standards of the profession.

Federation of chambers of commerce has taken place on a regional basis in most countries. The French national chamber is only a few years younger than the Marseille chamber. The German national federation (Handelstag) is a descendant of a seventeenth century body. Both the French and the German institutions have an official status. A National Board of Trade was organized in the United States in 1868 "especially in order to secure the proper consideration of questions pertaining to the financial, commercial and industrial interests of the country. . . . " In 1912 it was superseded by the Chamber of Commerce of the United States, an organization formed with government encouragement. Its stated aims were to promote foreign trade, business cooperation, standardization of methods and the raising of business ethics. The dynamic force back of the organization at its inception was the widespread fear of the contemporary trend toward government regulation of business. The membership of this chamber is composed of local chambers, which pay dues equivalent to about one half of one percent of their income and have the right to vote, and of individuals who pay a fixed sum, receive all the chamber's services but may not vote. The chamber is governed by a directorate representing both districts and interests. It issues a magazine, the *Nation's Business*, and maintains a large technical staff in its building at Washington. There are also national chambers in England, Belgium, Switzerland, Brazil, Cuba, Australia and other countries. In some of the federal countries state chambers of commerce function in state affairs much as the local and federal chambers do in their fields.

The functions of chambers fall into two divisions. On the one hand, they perform a variety of technical and administrative services for the members and the commercial class in general. On the other, they attempt to interpret to the government the attitudes and desires of the commercial class and to influence the government favorably.

The technical and administrative services of continental chambers include: the administration, and sometimes the ownership, of stock exchanges, employment bureaus, docks, warehouses, weighing and testing machinery, commercial schools, museums and libraries; the preparation of trade reports; the issuing of export certificates and certificates of origin; and the appointment of experts, inspectors, surveyors, accountants and commercial arbitrators. American and English chambers render a more limited technical service. They concern themselves with improving transportation; lowering freight rates; providing information on traffic routes, markets, credit standing, methods of packing for foreign shipping and general trade conditions; collecting claims; commercial arbitration; provision of labor supply; standardizing of methods; and general publicity work such as advertising home products, enticing tourists and conducting expositions, special sales, "get acquainted" trips. A number of the larger chambers both in Europe and America maintain research bureaus. But inasmuch as their work is published only with the approval of the directors it cannot generally be regarded as unbiased scientific research.

The second great phase of chamber of commerce work is its representation of the commercial class before the government. The continental type of chamber has formal contacts with government instrumentalities and officials. These contacts may range from representation on a legislative council, as in the Straits Settlements, or on other official bodies, such as the Bavarian Railway Council, to the more common arrangements for receiving from the chambers reports, advice and proposals for legislation. This official relationship, together with the fact of compulsory membership, which automatically makes the continental chamber a representative body, has won for it high prestige and great influence. The Anglo-American type of chamber makes its approach to the government unofficially and by means of the ordinary lobbying technique of general publicity, political pressure, public hearings and the like. Such action, whether official or unofficial, is generally directed at killing unfavorable, or passing favorable, laws on budget, tariff, bankruptcy, trusts, banks, itinerant merchants, labor conditions and hours, store hours, child labor and similar questions. Commercial legislation of the first importance has been effected by the activities of chambers of commerce. Not only has their influence been brought to bear in inducing the United States government to undertake more and more technical and research investigations of a type beneficial to business men, but it has also contributed largely to the passage of the United States Transportation Act (1920) and the Budget Act (1921), to a revision of postal rates (1928) and to the defeat of a proposed quota for Mexican immigration (1928).

Such activities classify chambers of commerce with numerous other pressure groups of the modern democratic state functioning outside the ordinary legislature. In fact the chambers have been viewed by some as the germ of a system of functional representation, and their official status in such countries as Germany and Austria, where they contribute materially to the making of government decisions on all business matters and where they are counterweighted by official labor bodies of similar character, is pointed to as foreshadowing developments in this direction. Even in the United States the national chamber, with seventeen members sitting in Congress, constitutes an unofficial functional constituency of the federal legislature.

Although their membership is drawn from the commercial and employer class and although they devote themselves primarily to the interests of that class, the chambers in the United States maintain that they represent the entire community. They launch elaborate civic programs which they believe to be beneficial, from a business man's point of view, to society. These programs include municipal reform and reorganization of the state government, road and bridge construction, public hygiene, sanitation, water supply, park developments, traffic control, regional and town planning and conservation and development of natural resources. They insist upon better methods of public budgeting, accounting and financing, and a generally more businesslike procedure in the conduct of the public business. On the other hand they oppose all civic action which they regard from a business man's point of view as against public interest. They view proposals for the acquisition by the state or municipality of a gas, electric light or power plant or a street railway or for the promotion of model housing by a state or municipal subsidy as "socialistic attempts to put government into business," and proposals to use excess condemnation in the financing of public improvements as schemes violating the rights of private property. They are inclined to regard proposals for the establishment of a chain of federal, state and municipal employment bureaus as signs of the further multiplication of an already excessively large bureaucracy and of further interference with business; and proposals for the establishment by the state of a system of old age pensions as "paternalistic schemes that will discourage thrift."

The chambers are opposed to all social movements considered inimical to commercial interests. They were prominently identified with post-war campaigns against liberals, radicals and union labor. The Chamber of Commerce of the United States has officially endorsed the doctrine of individual initiative without any qualification except the urging of government services for business, and it has opposed government operation, ownership or even energetic regulation of business. It endorsed without qualification the so-called "open shop" and opposed federal regulation of child labor. One Pennsylvania chamber has attacked as "vicious" a law prohibiting night work in glass factories for children between fourteen and sixteen. Standing for progress in all matters calculated, according to the understanding of the average business man, to advance the interests of the business class the chambers are inclined to assume a negative attitude in all matters not calculated, according to such understanding, to accomplish that result, and to oppose militantly any proposal of a change in the present system of distribution of wealth and power between the different classes of society. On the whole the chambers seem to be reservoirs of ultraconservatism in modern society.

As in all discussions of pressure groups the question must be answered as to how accurately the chambers reflect the views and interests of their members. The usual response to referenda conducted by the Chamber of Commerce of the United States among its members to determine opinion as a basis for lobbying activities involves not more than 58 percent of the total membership. The questions are answered by organization members and often by organization secretaries, who may or may not consult their group before replying. In either case the matter is given only cursory consideration. Furthermore, the questions are frequently framed in the referendum in such a way that there can be little doubt in the mind of the representative of the average chamber as to how he should vote upon them. The secretary of a local chamber ordinarily draws up resolutions which obtain automatic endorsement. Thus the members approve opinions not only on commercial topics but also on such general questions as government ownership, compulsory military training, the teaching of evolution and international peace—opinions which bear the mark of amateurishness and gross ignorance and which sometimes may be contrary to the real interests of the members. The same superficiality usually characterizes other actions of the chambers. Committee reports are drawn up hastily, usually by the secretary of the organization, whose business it is to see that no action is recommended which may stir up a controversy and cause a loss of members. Actions are taken which are unobjectionable or which, it is known, will be popular with the members. Even if these difficulties were solved by providing for a more thorough consideration and debate of questions and reports and by canvassing more accurately the whole membership the fact would remain that chambers, especially in America, represent elements which, measured by the criteria of functional representation, constitute more than a single class. Only a few places (e.g. Hamburg and Bremen) have separated wholesale from retail merchants, and the American chamber includes, in addition to these, manufacturers, mine owners, transportation officials, professional men and real estate dealers, groups whose special interests may deflect the chamber from a purely mercantile policy.

Two modern developments of the chamber of commerce warrant special attention. As an outgrowth of modern international trade have come the "foreign" chambers of commerce which, beginning in Hongkong in 1861, have been established by alien merchants to stimulate trade with the mother country, a motive usually expressed as a desire to promote reciprocal exchange. Such organizations are common in European and American capitals. In some non-Christian countries all the European merchants have joined a common chamber. American and English foreign chambers are private organizations; some, like the French, are semi-official, partially subsidized and controlled by the home government. Some states desiring to discourage such chambers in their own territory try to prevent their nationals abroad from forming them. Others have found them useful as part of the machinery of economic and political imperialism in backward countries; they spread the home culture, influence and propaganda, supply information to the home government and on occasion serve as convenient mouthpieces to raise the cry for intervention.

Finally, there is an International Chamber of Commerce, established in 1920 to replace the International Congress of Chambers of Commerce which had been held from time to time before the war but which never had any permanent organization. The International Chamber aims "to include all the economic factors of international business . . . to secure effective and consistent action . . . improving the conditions of business between nations and to encourage international and better understanding. . . ." A permanent staff functions in Paris, national committees are active in the countries whose national federations are members, and the chamber's general congress meets biennially. It maintains a Court of Commercial Arbitration and publishes a magazine, *World Trade*. The chamber is chiefly concerned with problems of double taxation, export credits, foreign exchange, standardization of business forms, customs regulations and statistical forms, improvement of transportation and postal systems, port facilities, neutrality of the seas, calendar reform, international expositions and, in a vague and general way, world peace.

PAUL STUDENSKI

See: CIVIC ORGANIZATIONS; TRADE ASSOCIATIONS;

Employers' Associations; Business, Government Services for; Business Ethics.

Consult: Childs, H. L., *Labor and Capital in National Politics* (Columbus, Ohio 1930); Finer, H., *Representative Government and a Parliament of Industry* (London 1923); Logan, E. B., "Lobbying" in American Academy of Political and Social Science, *Annals*, vol. cxliv, 91st supplement (1929); United States, Chamber of Commerce, National School for Commercial and Trade Organization Executives, *Chamber of Commerce Administration* (Chicago 1927); Holtzclaw, H. F., *Association Management* (New York 1929); Sturges, Kenneth, *American Chambers of Commerce* (New York 1915); Wolfe, A. J., articles on commercial organization in Germany, France, Switzerland and the United Kingdom, in United States, Department of Commerce, Bureau of Foreign and Domestic Commerce, *Special Agents Series*, nos. 78, 98, 101 and 102 (Washington 1915); Zeyss, R., *Die Entstehung der Handelskammern und die Industrie am Niederrhein* (Leipsic 1907); Drossinis, C. G., *Les chambres de commerce à l'étranger* (Paris 1921); Keppel, F. P., "The International Chamber of Commerce" in *International Conciliation*, no. 174 (1922) 187–210. Such periodicals as *Nation's Business*, *World Trade* and *American City*, many pamphlets and other publications of chambers and of the National Association of Commercial Organization Secretaries contain important material on the structure, methods and aims of chambers of commerce.

CHAMPLAIN, SAMUEL DE (1567–1635),

French geographer and colonist. After a voyage to Spanish America and several years spent in assisting the attempt to found a colony on the Bay of Fundy, during which he explored and mapped the adjacent coast as far south as Cape Cod, he founded Quebec in the year 1608 and so began the colony of New France. He spent the remainder of his life in the nurture of this infant colony. Champlain had to overcome the severest of physical obstacles, the lack of support from France itself, the lure of the fur trade which discouraged land settlement, the perils from the Iroquois, the controversy between Catholic and Protestant, the menace of foreign war. Company after company was founded to promote settlement, but not until 1627 did Richelieu's newly founded Company of New France seriously take up the task. Its first attempt failed, for in 1629 the English captured Quebec and held it for three years. Before Champlain died, however, the colony, although tiny and weak, had struck its roots into the soil.

Scarcely less important were Champlain's achievements as explorer and geographer. After founding Quebec he made three important voyages of discovery: to Lake Champlain in 1609, up the Ottawa in 1613 and to Lake Huron in 1615–16. Of these voyages he wrote accounts, accompanied by maps which contributed greatly to the increase of geographical knowledge of the New World.

R. Flenley

Works: *The Works of Samuel de Champlain*, ed. by H. P. Biggar, vols. i–iii (Toronto 1922–29); *Voyages of Samuel de Champlain, 1604–1618*, ed. by W. L. Grant (New York 1907).

Consult: Flenley, Ralph, *Samuel de Champlain, Founder of New France* (Toronto 1924); Colby, Charles W., *The Founder of New France*, Chronicles of Canada series, vol. iii (Toronto 1915); Dionne, N. E., *Champlain* (rev. ed. London 1926); *Acadiensis*, vol. iv (1904), Special Champlain number.

CHAMPOLLION, JEAN FRANÇOIS (1790–1832),

French Egyptologist. Champollion, who became known later as the founder of Egyptology, devoted his early youth to the study of Egyptian languages and history. In 1809 he was appointed professor of history at Grenoble; from there he went to Paris to study Egyptian antiquities. With the Rosetta stone as the key he deciphered the complex Egyptian writing, which he discovered consisted of three elements, figurative, ideographic and alphabetic. He explained the hieroglyphic alphabet in his *Lettre à M. Dacier relative à l'alphabet des hiéroglyphes phonétiques* (Paris 1822) and further elaborated it in the *Précis du système hiéroglyphique* (2 vols., Paris 1824, 2nd ed. 1828).

Following his deciphering the hieroglyphic alphabet he was appointed keeper of Egyptian antiquities at the Louvre; he directed a scientific expedition to Egypt; he was made a member of the Academy of Inscriptions and in 1831 a chair of Egyptology was created for him at the Collège de France.

After Champollion's death some of his most important manuscripts, including *Monuments de l'Égypt et de la Nubie* (4 vols., Paris 1835–45), *Grammaire égyptienne* (Paris 1836) and *Dictionnaire égyptien* (Paris 1841), were edited by his brother. These works greatly contributed toward laying the foundation for later Egyptological discoveries.

Alexandre Moret

Consult: Hartleben, H., *Champollion, sein Leben und sein Werk*, 2 vols. (Berlin 1906); Moret, A., *Le Nil et la civilisation égyptienne*, L'évolution de l'humanité series, vol. vii (Paris 1926), tr. by M. R. Dobie (London 1927); Champollion-Figeac, Aimé, *Les deux Champollions, leur vie et leurs oeuvres* (Grenoble 1887).

CHANCERY. *See* Equity.

CHANG CHIH-TUNG (1837–1909), Chinese statesman. He entered public life in 1863, and in 1884 as viceroy in Kwangtung during the Franco-Chinese War he argued against China's responsibility to France for damages to Chinese Christians. In 1898, after the Japanese war had awakened and perplexed Chinese opinion, he suddenly attained leadership of the moderate liberals by his brilliant, widely read and influential essay, *Learn* (abr. tr. by S. I. Woodbridge as *China's Only Hope*, New York 1900), in which he urged China to avoid India's fate and to follow Japan's example by learning from the West how to develop the elements which gave those nations strength: governmental efficiency, modern armies and navies, factories, mines, railways, schools, the press. Some of these he had already introduced in his domain of Hukwang. Because of his conscientious opposition to democratic institutions and his belief that the Confucian foundations of Chinese statecraft should be conserved by more complete centralization under the Manchu dynasty, he refused to join K'ang Yu-wei and the emperor in their program of drastic reforms (1898). When the empress dowager's coup and the Boxer reaction resulted from the premature reform decrees he begged the empress dowager to withhold support from the Boxers and during their fanatical outbreak he maintained order and protected foreigners in central China. Although Chang continued in office after this disastrous rebellion his mild progressiveness—now no greater than that of the court—appeared as conservatism, since radicalism and even revolution were being preached by Dr. Sun and by growing numbers of students who had returned from Japan.

WILLIAM JAMES HAIL

Consult: Morse, H. B., *The International Relations of the Chinese Empire*, 3 vols. (London 1910–18) vols. ii–iii.

CHANG HSÜEH-CH'ENG (Shih-chai) (1738–1801), Chinese historian. He was born in Kuei-chi, Chekiang province, and was the most creative writer on historical method and on the theory of history that China had produced since the time of Liu Chih-chi (661–721 A.D.). His two outstanding works are the *Wen Shih T'ung I* (General interpretation of literature and history) and the *Chiao Ch'ou T'ung I* (Principles of textual criticism).

In his treatment of the origin and technique of Chinese historical scholarship Chang Hsüeh-ch'eng advocated, far in advance of his time, a genetic view of history in which the fixed categories of former historians are discarded and the form adapted to the materials rather than the materials to the form. For this reason he favored the topical rather than the chronological or dynastic treatment of history. He held that the qualifications of a great historian are talent, training, sound judgment and historical veracity and that a true history should show understanding, be faithful to the facts and have literary form. He believed, moreover, that not only the canonical books but all records of the past, such as biographies, edicts, laws, official documents, should be considered as materials for the historian, thus greatly enlarging the scope of Chinese history. In urging the establishment of centrally located libraries, under government supervision, where the rare materials of history could be preserved, classified, collated and conveniently indexed, and so made available to those who wish to ascertain the facts, he anticipated the public libraries of our day. He advocated a radical revision of the categories of local histories and stressed their importance to Chinese historians at a time when these were not regarded as works of history.

ARTHUR W. HUMMEL

Consult: Hu Shih, *Chang Shih-chai Hsien-Sheng Nien-p'u* (Shanghai 1922), and a review of the same by P. Demiéville in L'école française d'extrême orient, *Bulletin*, vol. xxiii (1923) 477–88.

CHANGE, SOCIAL. As a term carrying a definite scientific connotation, social change has come into use only recently. The concept bears a certain relation to the somewhat earlier ones, social evolution and progress. Social evolution had come to be identified fairly closely with the dogma of inevitable successive stages of development based on biological determinants; and progress usually implied a faith or borrowed standards from current morals. The need for a term free from dogmatic or moral implications explains the present day preference for the expression social change, which suggests to most readers objective description and an absence of implied values.

A first point of difference between theories of social change and the conventional theories of social evolution turns on the question, what is it that changes? Climate changes but slowly and over long periods of time. So, too, the greater proportion of a race of men appears to remain pretty much the same, although this point is still disputed. During the historical period changes in climate or in inherited biological nature are at least slight in comparison with other changes, so slight that they are generally neglected as causal factors in the social changes of history.

What does change is culture, or the social heritage. Culture is that part of our environment for which animals living in the wild state do not have a counterpart, although some wild animals have the crude beginning of a culture. Some factors in culture do indeed show great capacity for maintaining themselves unchanged, but the system of culture as a whole may exhibit almost revolutionary changes, even within a single generation.

The key to change may be sought in invention. The word as here used means any new element in culture—a much broader meaning than the term commonly conveys. For culture as a whole the force making for change is the creation of an invention. For a particular culture area social change is due to an invention either made in that area or else imported into it. To understand social change it is necessary to know how inventions are made and how they are diffused.

Inventions are combinations of existing elements of a culture into a new form, as, for instance, the telegraph. Not all of the elements in question are material elements; some of them may be principles or ideas. There is at any one time a current stock of ideas just as there is a current stock of material objects. Thus there is the idea of rapid communication which is an element in the invention of the telegraph. Ideas that are pressed on the attention are one phase of demand or "necessity," long recognized as the mother of invention. Demand or necessity naturally cannot produce inventions unless there are in existence the materials out of which the inventions can be made. Primitive man had serious need of scientific medicine but made few discoveries in this field. There seems to be sufficient demand or necessity at all times to produce social change.

Inventions, being useful, tend to accumulate. They sometimes result in the substitution of a new form for an old one. If the old form is completely supplanted there has been no accumulation in this particular instance. This may often happen in a restricted area. The grain cradle does not persist alongside of the binder, nor do the bow and arrow alongside of the rifle. It is less frequently the case that a new form substitutes itself for the old throughout the world. Most forms ever in use are still in use somewhere. There are still culture areas in which the neolithic technique persists.

The tendency of inventions to accumulate results in an increase in the existing cultural elements which may go to make a new invention, and hence an increase in inventions. The curve of growth of inventions exhibits a similarity to the exponential curve. Accumulation of inventions means not only a greater amount of social change but a more rapid social change. No doubt other factors besides the mere drive of accumulated inventions enter into the group of forces making for new inventions. Necessity is one such factor. One may refer to the part played by necessity in war time in evoking the invention of counter-weapons for each new arm put into successful operation. In the general case, however, demand or need may be taken for granted.

It is the net addition of small elements to culture that makes invention a process. Because this process is continuous social change is continuous. It is believed that in very early times social changes were irregular because of the rareness of invention. In a particular series of inventions such as fire making this may have been true. When, however, a large number of such series are in process simultaneously social changes are more numerous, more frequent and perhaps more regular. Irregularities in the process of social change are also due to the fact that not all new elements of culture or inventions are of the same potency in precipitating changes. Such inventions as the electric motor, the incandescent light, the moving picture and the radio have vastly more capacity to precipitate social change than the flashlight or the cigarette lighter. But whatever irregularities in social change may follow from the casual occurrence of significant inventions, it appears extremely improbable that such irregularities would form a series that could properly be described as a cycle.

What has given rise to the belief that social change proceeds by cycles is the fact that there are certain historical periods of great social change with stretches of time characterized by less activity between them. Such periods, for instance, are the Renaissance and the industrial revolution. These great changes may be due to many factors, as for instance the recovery of classical learning, the opening of new trade routes or new lands for exploitation, or new sources of power of wide application, as for example the steam engine. In such cases we may say that inventions appear in extraordinary clusters, and we should naturally expect social change to proceed at an unprecedented rate. It is also probably true that the historical perspective exaggerates these changes. History contrasts the Renaissance and the Dark Ages only with respect to art, learning and social organization, but these taken together compose only a small fraction of culture. It is not generally known that there were many important mechanical inventions during the Dark Ages. History indicates periods of quiescence between periods of rapid social change, but this too may be largely a matter of perspective. Granting, however, occasional great irregularities, we should not lose sight of the principle that social change in advanced societies is normally a continuous and even fairly regular process.

Social changes are more numerous now than formerly because the cultural elements are so much more numerous. Although there are other reasons, this is perhaps the outstanding one. Social change among the Eskimos is slow not, it is thought, because they are low in mental ability but because they do not have sufficiently numerous cultural elements to operate with.

Rates of social change differ not only according to the stage of social development but also for the several parts of our social heritage. This heritage may be classified for the present purpose under material objects (together with the immediate processes of their production and use) and non-material culture including social organization, science, art, philosophy, music, painting, sculpture, literature, religion, morals, customs and the like. Observation not, however, established by statistics seems to show the most rapid changes at the present time in material culture and in science and less rapid and less numerous changes in other aspects of non-material culture. It also appears that the accumulative process is at present more active in natural science and material culture. Thus the material and natural scientific part of the cultural base appears to be growing larger more rapidly than the non-material part. If we are justified in assuming a functional relationship between the several parts of the cultural base and the future rate of social change we may forecast increasingly rapid changes in material culture.

If the parts of culture which change at unequal rates were uncorrelated, as the water at the surface and at the bottom of a flowing stream, there would be no problem. But many of the parts of our social heritage, somewhat like an intricate machine, are closely correlated, and when one part changes the correlated part also needs to be changed. Thus science and religion are correlated, and when scientific discoveries bring new ideas concerning such items as life after death, the immaculate conception, the age of the earth and the early history of man, religion tends to change accordingly, but somewhat later. So also family life adjusts itself to the factory after a lag. A change in the family or in religion may originate from within or it may be forced upon family or church by inventions or discoveries in some other part of culture. Many changes in social life are thus precipitated by changes in the mechanical or scientific culture. Thus the preservation of food in tins or the invention of contraceptives influences the position of woman. At the present time a very large number of initial changes are occurring in the vast volume of material culture, and relatively few changes take their origin from within social life as such. At the present time it is the social life that is compelled to adjust itself to changes in material culture. It is entirely conceivable that the conditions might be reversed and the material culture might be compelled to adjust itself to changes originating in social life. It might be difficult to adduce examples covering a wide culture area, but in limited areas subject to invasion by a foreign culture it is quite possible that non-material culture will be absorbed first and that material culture will be forced to undergo a process of adaptation. So new ideas, new habits, new philosophies, were diffused into the Orient and became precipitators of change as truly as were tools and mechanical devices.

When we pass from culture as a whole to the culture of a particular country we encounter many factors affecting the rate of social change. Most changes are introduced into the particular locality from without. The rate of change is accordingly very slow in isolated islands, deserts or mountainous regions, where there is little intrusion of change from the outside. It would be still slower if change had to wait wholly on invention or discovery within the particular area.

There are various obstacles to the penetration of the factors of social change into a country, even though the barrier of isolation is broken down. Many factors of change are great clusters of inventions. The adoption of the horse meant the adoption of a horse culture. The adoption of the automobile compels the provision of the services of mechanics, steel, cotton, rubber, gasoline, good roads, filling stations and hundreds of other correlated factors. The area adopting a new factor in culture must have the correlated elements necessary to its utilization. Similarly the successful importation of ideas such as democracy or theories of natural selection is likewise dependent on the presence in society of correlated ideas, which are as real as concrete objects. Some ethnologists claim that the diffusion of material culture is more easily accomplished than the diffusion of nonmaterial culture, but there are certainly many exceptions.

That social changes do not follow immediately upon invention is due not merely to the fact that it takes time for an invention to become known. There are positive resistances to be overcome. Sometimes these take the form of ingrained habits. This seems to be the chief obstacle to the introduction of simplified spelling, the metric system and the thirteen-month calendar. The tenacity of personal habits also accounts for the resistance to changes in language and to the substitution of science for superstition or ignorant tradition in medicine, diet and even agriculture. Often an invention affects only one part of an extensive complex; its application would involve numerous inconvenient and expensive adaptations. The standard gauge of railway track is probably too narrow, but to change the gauge would mean changing the various parts closely related to it, the rolling stock, the stations, dispatching systems, etc. Usually the more closely correlated a part of culture is with other parts the greater is its resistance to change. There is a proverb that every old tax is a good tax and every new tax is an evil. The old tax has been adjusted into the existing complex of business; the new tax may involve a complicated and painful process of readjustment. For the same reason business is impatient of "tariff tinkering," irrespective of the merits of proposed changes.

In an analogous way those who find social life satisfactory as it is are inclined to resist change. They know the rules of the road and can guide their conduct accordingly. Other rules might be inherently better but it would be necessary to live through a period of confusion before the new rules could become equally well known and usable. Persons of status and wealth tend to resist changes that may disturb their reputations, jobs or property. Social institutions seem particularly resistant to change. Thus a pagan winter festival has persisted under the form of Christmas, taking on Christmas functions but retaining much of its original spirit. Fear of the new and respect for the traditional are change resisting attitudes, as are also the emotional attachments to national leaders, flags, religious symbols, childhood patterns. The home exerts a conservative influence resistant to social changes. If an invention succeeds at all it is by its usefulness, and being useful it is likely to make its way in time, in spite of resistances to the social changes it entails. There are conditions that often greatly facilitate the acceptance of invention and change. Thus countries with increasing incomes appear more ready to take a chance with the new. Money available for contributions and taxation offers a condition favorable to experiment. Some elements in the population are said to be addicts to change. Thus certain neurotic types, having a basic unrest, when exposed to the proper stimuli become an active element in furthering social change. So also social classes with the lowest incomes and whose chance of loss by change is least may become active agents for change, but only when points of contact with ideas of reform or revolution are made. Some psychologists claim that if children are not disciplined too early into social traditions they grow up to become active in promoting social changes that are more in accord with inherited nature than is the existing tradition. Young adults are said to favor change more than elders. A public sentiment placing a high valuation upon originality, invention, research, is conducive to social change.

Periods of great social change are usually characterized by a decline in the authority of codes of morality and by greater dependence on experiment, expediency and rationality in conduct. Similarly it is asserted that such periods are characterized by a deterioration in manners and by the frequent emergence of an uncontrolled egoism. Cultures that have undergone little social change have had time to work out by a long process of trial and error what appear to be the most suitable adjustments of the individual to the culture and the best correlations between the parts of that culture. There is thus said to be a harmonious quality in those cultures which is not found among cultures undergoing great changes. The effect of social change is to raise the questions, what is a properly integrated culture and what is the most satisfactory adjustment of culture to inherited nature? This in turn raises the question of the values implied in progress. But whether the changes be for better or worse, the study of social changes makes the chances of control and prediction for culture as a whole appear somewhat remote. Invention has not been predicted with success and few social effects of mechanical inventions and scientific discoveries have been foreseen with certainty. With the growth of science more prediction will be possible. Indeed, for a particular area it may be quite possible to predict the introduction of culture elements from outside and the social consequences. In such cases a measure of control would even now be possible.

William F. Ogburn

See: Culture; Society; Social Process; Invention; Custom; Conformity; Civilization; Decadence; Evolution, Social; Progress; Organism, Social; Conservatism; Radicalism; Revolution.

Consult: Kroeber, A. L., "The Superorganic" in *American Anthropologist*, vol. xix (1917) 163–213; Lowie, R. H., *Culture and Ethnology* (New York 1917), and *Primitive Society* (New York 1920); Ogburn, W. F., *Social Change* (New York 1922); Chapin, F. S., *Cultural Change* (New York 1928); Hobhouse, L. T., *Social Development* (London 1924); Müller-Lyer, F., *Phasen der Kultur* (Munich 1908), tr. by E. C. and H. A. Lake as *History of Social Development* (London 1920); Wissler, Clark, *Man and Culture* (New York 1923); Ellwood, C. A., *Cultural Evolution* (New York 1927).

CHANNING, WILLIAM ELLERY (1780–1842), American clergyman. Channing became pastor of the Federal Street Church, Boston, in 1803 and remained its minister until his death. Although he is remembered today chiefly as a leader of Unitarianism he was not primarily interested in theology, and in his own time was important as a social reformer and man of letters. His aim was always religious and moral regeneration, but he proposed such practical innovations as a bakehouse for the poor, a society to advise immigrants and a fund for the ill and unemployed. An active worker in the various reform societies of Boston, he wrote on behalf of liberty of speech, temperance, prison reform, the limitation of child labor and the better treatment of apprentices. He was especially interested in the elimination of war, though he was not an absolute pacifist, and in the extension to all classes, to adults as well as children, of improved educational opportunities. During the last decade of his life he wrote several pamphlets against slavery. Underlying all his views on social problems was his faith in human perfectibility and human dignity. If this faith led him to emphasize self-reliance and to base his hope for reform on the regeneration of the individual, it also helped to make him friendly toward the utopian dreams of his younger contemporaries. He advised and encouraged George Ripley, Theodore Parker, James F. Clarke, Horace Mann and others, and through this personal influence, as well as through his writings, he affected the social thought of the twenty years prior to the Civil War.

Granville Hicks

Works: *The Works of William Ellery Channing*, 6 vols. (Boston 1841–43; new ed. in 1 vol., Boston 1886).

Consult: Channing, W. H., *Memoir of William Ellery Channing*, 3 vols. (6th ed. Boston 1854); Chadwick, J. W., *William Ellery Channing, Minister of Religion* (Boston 1903); Spiller, R. E., "A Case for W. E. Channing" in *New England Quarterly*, vol. iii (1930) 55–81.

CHANNING, WILLIAM HENRY (1810–84), American clergyman, nephew and biographer of William Ellery Channing. He was an active worker in the movements for peace, temperance, women's suffrage and the abolition of slavery. Influenced by Fourier's writings, he called himself a socialist, but his social views were, like his uncle's, based upon religious conceptions. Despite his affiliation with the Unitarians Channing wished to disregard creeds and to make social idealism the basis of the church. To this end he organized a creedless church in New York in 1843, and in 1847 founded in Boston the Religious Union of Associationists. After 1854 most of his life was spent in England. He wrote for the *Dial* and the *Phalanx*, and edited the *Present* (1843–44) and the *Spirit of the Age* (1849–50). He was interested in and influenced the development of the North American Phalanx, Brook Farm and the Raritan Bay Union. Although he criticized Fourier as deficient in the Christian spirit of love, his writings and lectures served to disseminate Fourieristic ideas.

Granville Hicks

Consult: Frothingham, O. B., *Life of William Henry Channing* (Boston 1886).

CHAPTAL, JEAN ANTOINE (1756–1832), French chemist and economist. He was professor of chemistry at the University of Montpellier and afterwards at the École Polytechnique. In 1798 he became a member of the Institut. As minister of the interior under Bonaparte and as director general of commerce and manufactures, and later as minister, under the restoration, he devoted himself to increasing the wealth of France. He promoted the construction of roads and canals, encouraged the bourses and chambers of commerce, founded the Société d'Encouragement pour l'Industrie Nationale and created the first trade schools in France. His fundamental preoccupation was the application of science, particularly of chemistry, to industry. He made available many new processes and materials essential to the development of the arts. His most valuable economic work, *L'industrie française*, which covers the history of economic life under the old regime and up to 1815, reveals the author as a partisan of the protectionist system although at the same time an opponent of a prohibitive tariff. His work was undoubtedly read by List, who found therein confirmation of his own views.

HENRI SÉE

Important works: *L'industrie française*, 2 vols. (Paris 1819); *La chimie appliquée aux arts*, 4 vols. (Paris 1807); *Chimie appliquée à l'agriculture*, 2 vols. (Paris 1823, 2nd ed. 1829).

Consult: Levasseur, Émile, *Histoire des classes ouvrières et de l'industrie de 1789 à 1870*, 2 vols. (2nd ed. Paris 1903–04) bk. ii, ch. v; Ballot, Charles, *L'introduction du machinisme dans l'industrie française*, ed. by Claude Gével (Paris 1923).

CHARACTER.

The term character (from the Greek χαρακτήρ, a distinguishing mark) applies in common usage to the distinctive organization of traits setting off one individual from all others. In the broadest sense character is coterminous with individuality; but in popular practical discussion the term is chiefly applied to groups of traits that have social significance and moral quality. Character used in this sense becomes the *sine qua non* of all collective adjustment and social intercourse.

Three types or aspects of character organization are of major importance in any consideration of the social function of character: first, such an integration of mental qualities that acts performed by the agent can be subsumed under a rule, if not a law (the essential quality of "the stable character" of popular language); then, singleness of purpose whereby an objective is pursued in spite of difficulties and temptations (the so-called "strong character"); and, finally, social or ethical consistency which prompts the individual to regard the consequences of his acts as affecting other people (the "good character"). The ordinary impression that "strong characters" need not necessarily be good nor "good characters" strong reveals a widespread assumption of the separability of these aspects of character. Character might be defined as "an enduring psychophysical disposition to inhibit instinctive tendencies in accordance with regulative principles" (Roback, A. A., *The Psychology of Character*, New York 1928). Some other phrase, such as "prepotent impulses" or "firmly ingrained habits," may be substituted for "instinctive tendencies," but the implication remains that the more resistance there is to overcome, in order to achieve a desirable end, the more character is to be ascribed to the successfully inhibiting individual.

Although there are still metaphysicians, such as Häberlin in Switzerland and Pfänder in Germany, who invest character with a mysterious entity or force, the majority of investigators now regard it as merely an organization of psychophysical tendencies which is apt to bring forth uniform acts. Characterless persons either allow of no predictability or else violate the principle of social consistency.

There is much less agreement as to the genesis of character in the individual, the problem involving the age old issue of the relation between heredity and environment in the shaping of the mental life of the individual. Those with sociological leanings, social reformers and behaviorists, place entire emphasis on the formation of habits, on environment, imitation, suggestion or tradition (Tarde, Dewey, J. M. Baldwin, Cooley, Thomas); while the individualistically inclined, although they do not ignore the importance of education and training, are nevertheless bent on the acceptance of an inborn factor in character. How else explain, they would say, cases where the environmental conditions were just the reverse of the theoretical requirements for the formation of different characters? It is sometimes urged that this inborn factor is determined by the physical constitution and particularly by the nature of the ductless glands of an individual, while changes of character are traced to organic disturbances. Even if such observations are accepted without qualification, however, the causal relationship and its *modus operandi* in specific instances have still to be proved.

Throughout the history of the subject the social and individual aspects of character have contended for supremacy. The conspicuous position of character in every system of ethics has caused it to be identified frequently with virtue, at other times with the will and sometimes even with conscience. On the other hand, the individualistic trend, implying a more or less inborn element, is discernible in the doctrine of the temperaments, whether envisaged under the purview of the humors (Hippocrates, Galen) or as determined by constitutional differences (Cabanis, Hallé, C. G. Carus), and may be seen again in the modern treatment of human typology (Jung, Spranger). Literary characterology, beginning with Theophrastus about 300 B.C. and continued by Hall, Overbury and Earle in England and de la Bruyère and Vauvenargues in France, combined both points of view.

The modern approach to character study was adumbrated by Francis Bacon in his *De dignitate et augmentis scientiarum*, while a program of ethology was first outlined by J. S. Mill in 1843 (*A System of Logic*). Galton in 1877 proposed an anthropological approach, taking the term to mean the totality of an individual's characteristics. The clinical phase of character study, ushered in by Bourdet in 1858, took on a more scientific aspect when De-Giovanni founded his school of clinical morphology, and through Kretschmer and his followers it has in recent years dominated the whole field of psychiatry.

The rise of pathography as developed by William Ireland and Möbius in the eighties supplied the investigator of character with new clues. At about the same time the possibilities that lay in biography were becoming apparent. But it was not until laboratory methods were adopted in the nineties by such men as Toulouse and Stern that the data gained could be relied on. Even these data, however, represented mainly knowledge of individual differences rather than of character traits in the strict sense. These explorations, combined with the statistical inquiries of Heymans and his associates in Holland, laid the basis of the psychographic method.

Toward the beginning of the twentieth century, with the development of dynamic psychology, attempts were made to place the concept of character on a more genetic foundation. Ribot and Fouillée in France, Shand and McDougall in England and Meumann in Germany attempted an analysis of character on the basis of the organization of instincts, forces (*idées-forces*), emotions, sentiments or forms of energy. Through these critical discussions the close connection between motivation and character was revealed.

Up to this time what experiments had been conducted in connection with character were of a general nature and related to bare reactions, without regard for motives or purposes and other conative tendencies, which from the nature of the case are not subject to adequate introspection. The problem of motivation was first attacked in the laboratory by Ach in Königsberg about 1910. In the meantime the psychoanalytic school adopted an entirely different method of ascertaining why we act as we do. Speculations about the subconscious, or unconscious, the ascription of our conduct to obscure or hidden wishes and complexes, repressions and displacements, have given to the whole subject a new significance. In the Freudian system several definite character traits are linked with emotional experiences of the individual in early childhood or even in infancy, and particularly with the pregenital components of the sex instinct—oral and anal eroticism—lingering through life. More recently Freud has brought his psychology somewhat into line with traditional ethics in that he conceives of personality as constituted by an ego, which roughly corresponds to the organized perceptual workaday self, an *id*, which embraces the unorganized reservoir of instinctive impulses and cravings, and the super-ego, upon which the ego draws for its ideals and moral inspirations. The super-ego is obviously formed out of the social fiats and injunctions and is the most consolidated part of the personality.

Just before the World War two contrasted trends in the study of character began to take definite shape—the experimental and the interpretative. In 1913 G. G. Fernald brought out his questionnaire designed primarily to gain an insight into the moral concepts and behavior of delinquent and defective children. In 1914 Spranger published his *Lebensformen*, afterward expanded into a book. This essay develops the theme that there are six human types—the economic man, the theoretician, the artist, the *Machtmensch*, the social individual and the spiritually minded—each one participating in and contributing to the social organization. Character is to be estimated on the basis of what a man sees value in. The value motif thus becomes the dominant feature of character for the whole *Geisteswissenschaften* tendency (school of interpretative sciences in contra-distinction to the experimental sciences), of which Spranger is at the present time perhaps the chief spokesman.

Pari passu with this intuitive approach, the test and experimental methods initiated by Fernald were extended by Voelker in 1921 to the point of reproducing a life situation in a restricted sphere (overstatement, cheating, etc.). Elaborations of this method were employed effectively in the following years by a number of investigators. A series of tests devised by June Downey during the same year purported to delineate symbolically an individual's will-temperament profile from various reactions to set problems or tasks, mainly in connection with writing under given conditions.

Considerable technical skill has been developed in the several experimental investigations and some interesting conclusions have emerged. One is that traits are not unitary but are conditioned by a given setting. Were such a result definitely established it would augur ill for the predictability of character, since almost every situation would have to be appraised individually. The possibility arises, however, that the various experimenters, having made their starting point not an examination of character in its integrational significance but a desultory tapping of a popularly conceived trait such as honesty, persistence, courage, suggestibility, are led astray by the popular label and forget that the name should derive its force from the sphere of activity (locus). In the last analysis it will be noted that different spheres of activity will call forth different types of response because of the specificity of the inborn tendency which is bound up with the trait. Behaviorists will, ot course, ascribe the different results to different conditionings in the early stages of character formation.

Another result, less open to criticism, gained through the experimental procedure and confirming the general observation of numerous writers, is the comparatively high correlation between intelligence and character. The applications of this finding in the social sciences and particularly in education are clear.

Throughout history one aim of all educators, as of all social reformers, has been the inculcation of moral principles, the principles conceived by any group to be the basis of "character." But only in the last decade has character education been approached from a scientific angle. Since then this phase of character study has received considerable attention. Not only has a program of character education been included in many public schools but in a number of colleges the subject is now treated as a research field under the guidance of trained experimentalists. Teachers' College of Columbia University and Iowa University are at present the chief centers of such investigations, both having been subsidized by the Institute of Social and Religious Research. The National Council on Religion in Higher Education and the Religious Education Association, as well as the American Ethical Union through its subsidiary societies, are also promoting the study of character both in its theoretical and practical aspects. It is too early to estimate the effect of such efforts on social stability or the maintenance of existing conceptions of morality, but it is not to be doubted that the relationship may be significant.

A. A. ROBACK

See: PERSONALITY; CONDUCT; MENTAL TESTS; PSYCHIATRY; PSYCHOANALYSIS; BEHAVIORISM; HEREDITY; EDUCATION; CIVIC EDUCATION; MORALS.

Consult: Paulhan, F., *Les caractères* (2nd ed. Paris 1902); MacCunn, John, *The Making of Character* (New York 1900); Fouillée, A., *Tempérament et caractère* (2nd ed. Paris 1895); Shand, A. F. S., *The Foundations of Character* (2nd ed. London 1920); Weininger, Otto, *Geschlecht und Charakter* (Vienna 1903); Kretschmer, E., *Körperbau und Charakter* (6th ed. Berlin 1926), tr. by W. J. H. Sprott as *Physique and Character* (London 1925); Apfelbach, Hans, *Der Aufbau des Charakters* (Vienna 1924); McDougall, W., *Character and the Conduct of Life* (New York 1927); Dewey, John, *Human Nature and Conduct* (New York 1922); Jastrow, Joseph, *Character and Temperament* (New York 1915); Downey, J. E., *The Will-Temperament and Its Testing* (Yonkers 1923); Häberlin, Paul, *Der Charakter* (Basel 1925); Spranger, E., *Lebensformen* (5th ed. Halle 1927), tr. by P. J. W. Pigors as *Types of Men* (Halle 1928); Utitz, Emil, *Charakterologie* (Charlottenburg 1925); Wahle, Richard, *Die Entstehung des Charakters* (Munich 1928); Klages, Ludwig, *Die Grundlagen der Charakterkunde* (6th ed. Leipsic 1928), tr. by W. Johnson as *Science of Character* (London 1929); Roback, A. A., *The Psychology of Character* (2nd ed. New York 1928), and *A Bibliography of Character and Personality* (Cambridge, Mass. 1927), listing about 3400 publications in 16 languages.

CHARCOT, JEAN MARTIN (1825–93), French neurologist. He devoted the first part of his career to pathological anatomy, but turned to clinical neurology, in which he did extremely important research at the Salpêtrière. His brilliant work in the systematic classification of nervous diseases won him great prestige, but he is known today chiefly for his study of hysteria, especially hystero-epilepsy. In these researches he made considerable use of hypnosis, believing that susceptibility to deep hypnosis is a mark of the hysterical constitution. In opposition to the generally accepted organic neurology, he demonstrated, as had others, that ideas might cause functional nervous disorders such as paralysis, and he believed that ideas might cure disorders of this character. In sending some patients to Lourdes he spoke of "la foi qui guérit."

His pupil, Pierre Janet, who agreed in general with Charcot's conception of hysteria, proceeded to develop the concepts of subconscious ideas and of dissociation, or splitting of personality. In 1885–86 Sigmund Freud studied under Charcot and was deeply impressed by the significance of mental factors in nervous disorders, and also by Charcot's emphasis, on one occasion, upon sexual factors in such conditions. How much of Freud's later emphasis on these points is due to Charcot's influence it is impossible to say; but certainly Charcot, Breuer and Bernheim, though representing three very different approaches, are all to be considered of major importance in leading Freud to formulate a psychological approach to hysterical personality, and thence to a new systematic psychology.

French neurology, of which Charcot was so celebrated an exponent, did much late in the nineteenth century to stimulate systematic study of suggestion and imitation in relation to such phenomena as crowd psychology and fashion.

Gardner Murphy

Chief work: *Leçons sur les maladies du système nerveux* (Paris 1873; also published as vols. i–iii of *Oeuvres complètes*, 1890–94), tr. by George Sigerson, New Sydenham Society Publications, vols. lxxii, xc, cxxviii (London 1877–89).

Consult: Freud, S., *Gesammelte Schriften*, 11 vols. (Leipsic 1925–28) vol. i, p. 243–57, tr. in *Collected Papers*, 4 vols. (New York 1924–25) vol. i, p. 9–32; Wittels, Fritz, *Sigmund Freud* (Vienna 1924), tr. by Eden and Cedar Paul (London 1924) ch. ii.

CHARITABLE TRUSTS. In all mature systems of law devices have been developed for disposing of property for charitable purposes. The devices differ in different systems. In the Anglo-American system there are two methods of devoting property to charity. Property may be given to a charitable corporation for the objects for which it is created; or it may be given to individual trustees to hold and administer for charitable purposes.

A charitable trust differs from a private trust in two important respects. In the case of a private trust the beneficiaries are definite persons. Property held upon a charitable trust has no beneficial owner; it is devoted to the accomplishment of purposes which are or are supposed to be of benefit either to the public in general or to an undefined part of the public. In the case of a private trust it is not possible except for a limited time to tie up property in such a way that it does not vest in a person who can dispose of it. This time is in most states limited to a period of twenty-one years after the death of designated persons living at the time of the creation of the trust. By means of a charitable trust, however, property can be taken out of commerce and perpetually devoted to designated purposes. By creating a charitable trust the owner of property can control its disposition for centuries after he is dead.

Since charitable trusts may continue indefinitely the question of obsolescence arises. If it becomes impossible or impracticable to carry out the precise purpose for which the trust was created the courts may authorize an application of the property *cy pres*. That is, the trust property may be applied to some similar charitable purpose if the general charitable intent of the creator of the trust is thereby achieved. If, however, the specific directions of the creator of the trust are an essential part of his scheme and it becomes impossible or impracticable to comply with those directions the trust will fail and the property will revert to him or to his heirs. On the whole the courts tend to be rather strict in permitting such applications and, so long as it is possible and practicable to follow them, do not authorize a departure from the directions of the creator of the trust merely because changing conditions make it unwise to follow his instructions. In order to avoid the difficulties which arise from unforeseen changes provision may be made in the trust instrument authorizing an adaptation of the trust to changing conditions; or authority may be given to devote the property to such charitable purposes as the trustees may from time to time deem wise. In some sixty cities in the United States "community trusts" have been created; the terms of these provide that the property contributed shall be devoted to such charitable purposes as may be determined from time to time by a committee of representative citizens, subject to such limitations as any donor may impose with respect to the property given by him.

From time to time restrictions have been imposed by legislation upon the creation of charitable trusts. The early mortmain acts in England provided for the forfeiture of land held by corporations unless they were licensed to hold the land. In some of the American states there are statutes restricting the amount of property which may be held by charitable corporations.

The purpose of these statutes is to prevent the taking of property out of commerce. In some states there are statutes which provide that property cannot be given by will for charitable purposes unless the will is executed at least a month or more prior to the death of the testator, and statutes which forbid a testator to leave for charitable purposes more than a certain portion, usually a third or a half, of his property, at least if he is survived by a wife or children. The purpose of these statutes is not so much to prevent accumulation of property by charitable organizations as it is to prevent testators from disinheriting their relatives in favor of a charity.

Not every benevolent purpose is recognized by law as charitable. Charitable purposes include the relief of poverty, the advancement of education, the promotion of religion and other objects which are or may reasonably be supposed to be beneficial to the public or to a part of the public. Such, for example, are the construction or maintenance of public buildings, highways and bridges, the prevention, treatment or cure of diseases, the protection of animals, the promotion of temperance.

Perhaps the oldest of charitable purposes is the relief of poverty. In England many trusts were created for this purpose long before Parliament began to afford public relief through the poor laws. The beneficiaries were often limited, however, to certain classes of needy persons and the methods of relief were various. Many of these trusts proved in course of time to do more harm than good, often causing rather than curing pauperism. The numerous trusts for the payment of doles became so pernicious that Parliament finally authorized their diversion to purposes of education.

The charitable trust has been an important instrument of religious freedom. In England it was formerly held that a trust for the promotion of religion is valid only in the case of the established religion. Gradually, however, it has come to be held that trusts to promote other religions are valid, including those of the Jews, the Roman Catholics and the various dissenting sects. It has even been held by the House of Lords that a bequest for the promotion of atheism is not illegal, though it has not been decided whether such a purpose is charitable. In the United States a trust to promote any religion is valid provided it is not one which involves illegal practises, such as polygamy. In a majority of the states in which the question has arisen it is held that a trust for the saying of masses is charitable, although there are a few decisions to the effect that such trusts, though not illegal, are not charitable because they are primarily for the benefit of particular individuals rather than of an indefinite number of persons.

Trusts for the promotion of education have long been upheld as charitable trusts. Such trusts include trusts for the founding or support of schools and colleges, the creation of scholarships, the establishment of public libraries and museums, the endowment of public lectures, the distribution of books and pamphlets and the like. The charitable trust thus provides a method of social experimentation. Private persons can devote their property to the making of experiments which could not or would not be made with public funds. This has been particularly the case in the field of education. In privately endowed institutions it has been possible to make educational experiments which it would have been difficult if not impossible to make in public institutions. These private institutions have been enabled to conduct researches which would perhaps have imposed too heavy a drain upon the public treasury. It is also possible by means of charitable trusts to endow the teaching of doctrines and the advancement of new or unpopular causes. It makes no difference that the purpose of a trust is to present only one side of a question and that most people regard that side as the wrong side, if rational persons regard it as the right side and believe that the promotion of the purpose will benefit mankind. Institutions supported by charitable trusts can be conducted without interference from the public authorities as long as they are carrying out the purposes for which they were founded. There is always a danger, however, that a minority view will be regarded by an illiberal court as irrational and that a trust to promote it will be held invalid.

Because of the public character of charitable trusts and since there are no beneficial owners to guard against mismanagement, the responsibility for their enforcement is placed upon a public officer, the attorney general. At the suit of the attorney general the trustees may be compelled to conform to the terms of the trust. In few if any of the American states is the office of the attorney general so organized as to maintain adequate supervision over the administration of trusts. In England in the early part of the nineteenth century parliamentary commissions under the leadership of Lord Brougham spent many years in investigating the administration of charitable trusts. Many of those investigated had been established hundreds of years before and in many cases great abuses in their administration had grown up. In 1853 a permanent Charity Commission was created by act of Parliament and was given general oversight of charitable trusts. The reports of Lord Brougham's commissions and the annual reports of the charity commissioners are a valuable source of information on charitable trusts in England and emphasize the absence of sources of information as to such trusts in the United States.

The absence of any control over the trustees except such as is exercised by the courts at the suit of the attorney general has its disadvantages as well as its merits. Although charitable trusts may be experimental in their origin they have a natural tendency to become stereotyped. This is particularly true in the case of trusts for educational or religious purposes. Opinions change, and if property is devoted forever to the teaching or preaching of opinions once held by the founder of the trust but since generally abandoned the trust may not only cease to perform a useful function but may even put a premium upon hypocrisy. The hand of the founder may preserve its grasp too long after he is dead. It is important, therefore, that the courts should exercise liberally their power to authorize departures from the terms of the trust whenever such departures become reasonable. In England the unwillingness of the courts to exercise this power except in extreme cases has necessitated the intervention of Parliament on many occasions. Since the power of legislatures in the United States is restricted by constitutional limitations it is particularly necessary that the courts should be free to authorize the adaptation of charitable trusts to changing social conditions.

AUSTIN W. SCOTT

See: CHARITY; ENDOWMENTS AND FOUNDATIONS; TRUST AND TRUSTEES; INHERITANCE; PROPERTY.

Consult: Tudor, Owen Davies, *The Law of Charities and Mortmain* (4th ed. London 1906); Tyssen, Amherst D., *The Law of Charitable Bequests* (2nd ed. London 1921); Kenny, C. S., *The True Principles of Legislation with Regard to Property Given for Charitable or other Public Uses* (London 1880); Duke, George, *The Law of Charitable Uses* (new ed. by R. W. Bridgman, London 1805); Escarra, Jean, *Les fondations en Angleterre* (Paris 1907); Hobhouse, Arthur, *The Dead Hand* (London 1880); Zollmann, C. F. G., *American Law of Charities* (Milwaukee 1924); Perry, Jairus W., *A Treatise on the Law of Trusts and Trustees*, 2 vols. (7th ed. Boston 1929).

CHARITY. The term charity denotes in common usage both a quality of thought or feeling and a mode of conduct with reference to those visited by misfortune. The most characteristic elements of charity are doubtless derived from the feelings and experiences associated with family life—the affection and sense of responsibility which find natural expression in the bond between parent and child and between mates. The term was first applied, however, to the extension of social obligations beyond the immediate circle of kinship. Both the sentiment and the practise of charity early acquired the sanction of religion. It became a personal virtue and a religious duty as well as a social utility. Its motivation throughout history has constantly reflected this intertwining of personal, religious and social sanctions.

Until the advent of the laissez faire philosophy the concept of charity as an individual act of mercy was of comparatively small social significance, since it was an extension of the more basic recognition of the responsibility of the group for all its members and of the communal code of ethics with respect to strangers. As long as the community represented both a religious and a political unity, the assumption of this reciprocal responsibility was a constant function. Altruism thus became an expression incidentally of a more imaginative interpretation of group self-preservation.

Ancient writings among all peoples abound in references to the twin duties of care for the aged, widowed and orphan members of the family group and help for guests, wayfarers and strangers. Among primitive peoples the succoring of wanderers and beggars assumed something of the nature of a communal rite linked with religious observances. Many centuries before the Christian era communal feasts to which strangers and unattached poor were especially invited and wayfarers' lodges and rest houses were signs of a lively sense of communal responsibility sanctioned by both religious and social considerations.

The scope of charity has undergone many changes with regard to potential beneficiaries, and the types of benefits have reflected the changing social standards of communities. The ancient Greeks, for instance, centered their attention on the relatively small number of the inhabitants known as citizens, whose leisure and means for performance of civic duties required protection in the face of economic pressure. A wide variety of experiments in public poor relief, supplementing traditional private and family aid, was directed toward conserving the unity of the state by strengthening its economically weakest members. These experiments took the form of remission of taxes, annulment of debts, confiscation and redistribution of lands and surplus wealth, as well as periodical doles of cash and food. Emigration and exile were further means employed to maintain social unity within the confines of the state.

In the Roman state, as in Greece, the fact of citizenship was the basis for the right to relief. Wars of conquest, which drew men almost continually from their fields and left their families the victims of economic adversity or of the aggrandizement of stronger neighbors and which steadily displaced free labor with armies of slaves from conquered territory, filled Rome—the teeming capital of a militaristic world state—with hordes of dispossessed, dependent citizens, the plebs. The agitation of the plebs was a constant threat to social and political unity, and vast measures of public and private relief were undertaken, culminating on the one hand in the free distribution of corn by the state (*annona civica*) and on the other in private largess (sportula) by wealthy patricians to hordes of personal clients.

This practical group protection basis for charity was not wholly absent in the early Christian church, a persecuted sect recruited mainly from the weak and lowly members of Roman society. But the dominant elements of Christian charitable theory and practise were derived from its Jewish antecedents.

The religious aspect of Hebrew charity, like the family life in which it was nourished, had preeminently a social significance which because of the nature of the group often transcended political or territorial boundaries. It partook of the deep ethical fervor and rigid moral code of the Hebrews, especially under the spur of the prophets, who emphasized the quality of social righteousness over that of individual mercy. It was also an individual religious duty, a source of religious merit, as well as a mutual obligation for the protection of group solidarity and security. Both in the individual and social attitudes and acts the desirability of mercy was emphasized in addition to the duty of righteousness and social justice.

The Christian emphasis upon personal immortality and the importance of life after death tended to weaken charitable motives related to immediate social conditions and objectives and to exalt motives related to the eternal personal welfare of the donor. Responsibility was transferred from the group to the individual. The cure of the souls of the sick and the unfortunate tended to take precedence over the relief of their physical or social disabilities. On the other hand, the heightened regard for the dignity and worth of every human creature as an individual personality with an immortal destiny, which the same faith expressed, gave new warmth to fraternal feeling and an immense stimulus to private charitable effort.

From the beginning Christian charity was a dynamic element in the congregational life which came to replace the political body as the center of charitable endeavor. As early as the second century church charitable funds had come into being and organized parochial charities were in process of growth. Numerous institutions for the sick, for orphans and for the aged were established. The great expansion of church charities, however, came with the accumulation of extensive endowments, administered by the monastic orders, which for a thousand years dominated the charitable thought and practises of the western world. Scores of thousands of hospitals and almshouses thus came into being, and immense resources, constantly replenished by the gifts of wealthy patrons in return for the prayers of the faithful, were dispensed to armies of beggars and vagrants, as well as to other dependents for whom special institutions were provided. An orgy of almsgiving, comparable to that which helped to demoralize Roman society but springing from religious rather than political motives, swept over the world, and only an occasional voice of protest was heard. St. Francis of Assisi (1182–1226) denounced the somewhat perfunctory and impersonal charity which had grown up under the influence of the powerful wealthy monasteries. Abandoning all his possessions, dwelling in poverty among the poor, he brought the Christian precept of charity out of the confines of the monastery into the world of men and recaptured for a time something of the individual's sense of brotherhood. Later leaders in their zeal for stimulating a life of sacrifice and service assigned specific spiritual values and rewards to specific charitable acts and thus again made the very act of almsgiving, apart from feeling or purpose, the test of religious merit.

This emphasis upon good works as a means of grace, associated with the practise of granting indulgences in return for alms, formed one of the crucial points of attack upon the Roman Catholic church during the series of convulsions that constituted the so-called Reformation in the sixteenth century. The rise and spread of the Protestant concept of justification by faith and the denial of the reality of any abstract religious virtue to be won from particular acts dissociated from the whole moral life of the individual had much to do with the gradual replacement of the church by the state as the dominant factor in charitable effort. They not only tended to weaken the rigorous sanctions that had sustained lavish giving throughout the Middle Ages but directly contributed to the schisms that culminated in the nationalization of the church in England and other Protestant countries and to the confiscation of monasteries and other church properties there and elsewhere.

Economic and political upheavals contributed powerfully to the same end. The awakening of trade and industry following the crusades transferred the dynamic center of social life from the old feudal estates to the growing towns. There the trade and craft guilds, organized for the mutual protection of those engaged in the new economic activities, began successfully to compete with religious organizations for the loyalty of their members and gradually assumed some of the charitable functions of the church. The development of new types of social maladjustment made a place for the functioning of these non-political charitable organizations, but the town governments, with the influx of transients and unattached tradesmen and craftsmen, also participated in charitable enterprises.

The stage was thus set for the intervention of the national state as the body to administer public relief. Social disorganization, augmenting the need for charity, coincided with the decline of the old religious sanctions of private giving and the depletion of charitable resources both religious and secular. Devastating wars imposed enormous burdens of taxation; the Black Death and subsequent visitations of the plague depopulated whole towns, broke up families and set thousands adrift without means of livelihood; the enclosure of lands and their conversion from farming to sheep grazing, to meet the needs of the new wool manufacturing industry, and the ultimate dispersal of this industry from town shops to widely scattered homes in town and country added to economic confusion and dislocation.

The state at first took negative action. Futile efforts were made to restrict enclosures, to regulate wages, to prevent the movement of laborers from one place to another and to suppress begging by severe punishments. The failure of these measures led to efforts to organize and systematize begging by a license system, and this, in turn, was finally supplemented by positive attempts to control and to provide systematic relief through public agencies. Public relief therefore was at first more of an enforcement of law than a charitable act.

The first and the most comprehensive measure of this sort was the celebrated Elizabethan Poor Law of 1601, the outgrowth of many earlier experiments. In its attempt to classify dependents and to provide specific treatment suitable to the needs of each group—work for the able bodied poor, almshouse care for the infirm and apprenticeship for children—and especially in its outspoken purpose of accepting public responsibility for the care of the poor, to be discharged through public funds and by public officials, this law set a new mode of public policy. The restrictive and repressive experiments from which it grew still permeated its provisions and were intensified in later enactments as events proved its inadequacy to achieve its professed ends. Pauperism, vagrancy, beggary continued, although more and more persistently the state sought to discourage and penalize dependency.

After two hundred years new and confusing social, economic and political dislocations occasioned new efforts to deal with the problem of dependency and charitable relief. Their first manifestation was in the rise of humanitarian protests against the old repressive policy. In England the rigors and cruelties of the old poor laws and their administration were somewhat mitigated and more liberal relief measures instituted. Elsewhere, especially in France, a disposition was shown to carry to its logical conclusion the principle of state responsibility for all needy citizens and to substitute generous public aid for the mixture of public and private bounty which had survived from the old order. There was established toward the end of the eighteenth century in Hamburg, Germany, a systematic review of public relief by a central municipal authority. This was supplemented by the establishment of close and sympathetic relations between almoners and the poor in place of the perfunctory and mechanical contacts of the past.

There were, however, contrary currents. The industrial revolution, which had intensified the social disorganization and distress that had stirred the hearts of the philanthropists, brought into being a new class of capitalist manufacturers, whose interests were bound up with economy in expenditure of public funds, with the maintenance of an inexhaustible supply of cheap labor and with freedom from governmental interference in economic life, all of which were threatened by governmental philanthropic activity. Furthermore, the democratic movement of the time voiced a new political and economic philosophy of individualism, which resisted paternalistic though humanitarian measures. Faith in the right and capacity of the individual to manage his own affairs and to meet his own problems without governmental aid, buttressed by the highest economic authorities—Adam Smith and Malthus—sustained the position of the new industrialists. Amongst the reformers themselves Thomas Chalmers (1780–1847) decried public aid and emphasized the role of voluntary effort and contributions.

In the contest which ensued the working classes, supported by such philanthropists as Lord Shaftesbury, sought the protection of the law against exploitation or neglect and were opposed by industrialists and economists, who were attempting to restrain the active intervention of government in social and economic life. As Amos Warner aptly says, "Each finally triumphed on the other's native ground." Through social legislation the rigors of the new industrial system were somewhat abated, but the poor laws were ultimately rewritten in the old restrictive spirit by the economists and capitalists. The report of the Poor Law Commission of 1834 definitely reestablished the old principles of minimum relief and the workhouse test as deterrents against unnecessary dependence upon public aid, and uniformity of administration under a central supervisory authority was sought in order to restrain undue generosity or laxity in particular poor districts.

In this whole development of public charitable activity up to the middle of the nineteenth century, as in that of the ecclesiastical charities which it largely displaced and in the communal systems of ancient Greece and Rome, is to be discerned an almost complete disregard of the effect of charity upon the individual beneficiary. Although modern charity of this early period, like that of the ancients, was motivated largely by communal purposes or class interests, as distinguished from the personal or unworldly concerns that frequently dominated mediaeval religious charities, it disregarded, perhaps even more than the latter, its individual beneficiary's right to personality. Nor did the growing private charity of the same period, nourished by the mounting surplus wealth of the industrial middle class, differ greatly from public policy in its fundamental motivation.

The contribution to charitable theory and practise of a genuine interest in the individual beneficiary and an unqualified recognition of his rights as a person was reserved for the closing years of the nineteenth century, although it was heralded much earlier in the vigorous pleas of such leaders as John Howard, Ruskin, Carlyle and Dickens in England, Dorothy Dix in the United States and a host of others who challenged the right of society to seek its own ends at the expense of its individual members.

The movement for the recognition of the rights of personality and for the breakdown of the old concept of the poor as a class apart from the rest of the population took many forms and directions. In part it reiterated the old protest against indiscriminate almsgiving, still rampant despite the restrictive reform of the poor laws. In part it fostered a more respectful, more fraternal, less mechanical approach to the needy individual, as in the social settlement movement. In part it was rooted in the new scientific spirit cultivated in the universities from which many of its leaders were drawn, which demanded discriminating analysis and treatment of causes rather than casual treatment of symptoms.

One outstanding product of the fusion of all these dynamic elements was the charity organization movement, which sprang up in London in the late sixties and soon found its way to America and other parts of the world. Its emphasis upon the elimination of material relief and the development of the "natural resources" of persons in need doubtless dates at least as far back as Thomas Chalmers' experiments in his parish in Glasgow. Its emphasis upon organization, cooperation, non-duplication of effort, with districting and friendly visiting, was borrowed in part from the Hamburg plan of fifty years before and its more recent adaptation in the city of Elberfeld, Germany. The leaders of this movement, Charles Loch, Octavia Hill and Edward Denison, carrying on the laissez faire tradition of Chalmers, denounced public charity as pauperizing and demoralizing to individual initiative and as an undue enlargement of the powers of the state. But the charity organization movement made its own distinctive contribution toward a new focusing of interest in the individual beneficiary and a new respect for him; toward the elimination of personal motives and class distinctions in the practise of charity; and toward the development of scientific method and spirit in administration.

Not wholly dissociated in spirit from this movement, although of quite a different scope, was the development in America at about the same time of unpaid official bodies, often called state boards of charities and correction, with the multiple object of protecting the dependent individual against abuse, neglect or exploitation, of devising plans for his speedy restoration to normal social status and of studying the problem of dependency as a whole with the object of recommending suitable scientific preventive and curative treatment. From these state bodies there emanated soon in the United States the scientific interest, the ordered and interpreted experience and the broadened view which through the state and national conferences of charities and correction helped to introduce a new concept of charity to prepare the way for modern social work. It also supplemented private or semipublic charity by public supervision and control, thus reintroducing in somewhat modified fashion the civic elements into community life.

Probably the outstanding event of recent times in the development of charitable thought and practise was the report of the British Poor Law Commission of 1909. The majority of that commission, while recommending no drastic departure from the old administrative forms and procedures, took cognizance of the new concept of charity with its insistence upon sympathetic and disinterested administration of relief in accordance with individual needs and without violation of individual personality. The minority, frankly breaking completely away from the old tradition, demanded that charity in its old forms and connotations be definitely thrust aside; that the time honored distinctions between the poor as a class and the rest of the people be wiped out; and that in place of poor relief in the old sense specialized services through specialized public authorities be made available to all alike to meet the manifold causes and symptoms of social maladjustments.

This point of view was in some respects not so radical a departure as it seemed. Several functions formerly performed by charitable endeavor, such as universal provision for education and the establishment of institutions for the dependent and handicapped, were gradually being taken over as legitimate aspects of democratic public administration.

In the field of social politics those who pin their faith to the ultimate development of a democratic socialized state hail the demise of the old concept of charity. They emphasize, as part of a code of justice and in place of beneficence toward those individuals or groups whose dependent position is to a varying extent an incident of social and economic disorganization, a social responsibility in terms of services which in the past have been withheld from the poor or granted grudgingly and haltingly through private charity. In the name of orthodox economic theory others denounce charity as an interference with the free play of forces of human nature and are even more emphatic in their denunciation of any assumption of social responsibility for its members by the organized polity. From the field of the natural sciences other voices are heard, lamenting the persistence of charity or public relief as arbitrary interferences with the natural law of evolution, deploring the perpetuation of the unfit which follows as a result of protection from the necessity of achieving survival through a sifting and strengthening competition with their fellows and conflict with a hostile environment.

A realistic view of our complicated and dynamic economic and social system reveals the persistence and recurrence of maladjustments for the amelioration of which no organized provision would be made without the existence of charity. But the twentieth century concept of the scope and quality of charity is being recast in such a way as to embody more clearly a democratic philosophy of group life and a more genuine respect for individual personality.

KENNETH L. M. PRAY

See: SOCIETY; POVERTY; DEBT; POOR RELIEF; BEGGING; POOR LAWS; ALMSHOUSE; INSTITUTIONS, PUBLIC; HOSPITALS AND SANITARIA; CHARITABLE TRUSTS; ENDOWMENTS AND FOUNDATIONS; HUMANITARIANISM; PUBLIC WELFARE; SOCIAL INSURANCE; SOCIAL WORK; SOCIAL CASE WORK.

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CHARITY ORGANIZATION. *See* SOCIAL WORK.

CHARLEMAGNE (742–814). From his father, Pippin the Short, the last *major domus* of the Merovingian regime and the first king of the Carolingian line, Charlemagne received a twofold legacy: the Frankish kingdom embracing principally Austrasia, Neustria, Burgundy, Aquitania, Allemania, Bavaria and Frisia—that is, modern France, Belgium, Holland and parts of Germany—and the guardianship of the western church, in whose trust reposed the remnants of Roman civilization. In its broadest aspect his career can be explained as the attempt of a man of surpassing energy and preeminent organizing ability to preserve and develop these two bequests. His conquests of Saxony, of northern Spain, of the Avars, sprang in part from the restless instinct of the born warrior and conqueror, in part from the political necessity of protecting his vast realm from the barbarians on its frontiers, in part from his assumption of a divine mission to carry Christianity into pagan lands. The same complexity of purpose led him in 774 to crown himself king of the Lombards, the potential menacers of his own authority in southern Gaul and the inveterate enemies of the papacy. For his services to the Holy See he exacted from Pope Leo III coronation as Roman Emperor at the Christmas ceremony at St. Peter's in 800. To what extent the Holy Roman Empire was the conscious creation of Charlemagne has long been a matter of historical dispute, but no doubt can exist that it was he who made possible the actual fusion of the two component elements out of which the theory of the mediaeval empire was built. Since the culmination of the barbarian invasions the claim of the Roman Catholic church to the spiritual supremacy of the world had been tempered by the fact that the popes themselves were forced to regard the Greek Catholic rulers of Constantinople as the heirs of imperial Rome and the repositories of universal earthly authority. In Charlemagne the popes found for the first time a Roman Catholic ruler whose power enabled him to dispute the aspirations of the eastern empire and whom they could appoint joint sovereign of the western world.

Charlemagne's empire was a more or less strongly centralized state imposed upon a rudimentary but rapidly developing feudal structure. His capitularies attest that he recognized the true nature of his power. He perceived the necessity of permitting a large part of his administration to devolve upon the great lords whom Pippin as well as the last moribund Merovingians had endowed with benefices in return for political service. Satisfied if he could prevent this devolution from obstructing his own final authority he pursued the method of checking the power of the lords through the *missi dominici*, who regularly investigated the work of all public officials. Instead of seeking to arrest the development of feudal institutions he gave the whole system the appearance of emanating from him by investing the oath of vassalage with the legal sanction which it had never before received. His single reservation was that no vassal should be freed from his duties to the state. He constituted himself a quasi-suzerain over all his subjects by a capitulary issued in 802 which converted the periodic pledge of allegiance demanded from all freemen into an oath of fidelity to the king as feudal lord. The organization of the army, a matter of vital importance in Charlemagne's conquests, was feudal. When war impended a direct summons to arms was issued only to the vassals holding land immediately from Charlemagne and to the feudal lords, each of whom then organized and led to the emperor under his own command his quota of soldiers. Charlemagne's purpose in adopting such a military system was typical of his general attitude toward feudalism. The obligation of freemen to serve in the army had become an increasing hardship under his regime and great numbers of them had sought escape by forfeiting their liberty and passing into the condition of serfdom. Since his army was thus depleted Charlemagne was forced to rely upon extracting from the lords the full measure of their potential resources. So long as he lived these concessions to feudalism held comparatively little hazard for the authority of the state; but they contributed to the growth of institutions already deeply rooted in the social and political fabric of the age and thus possessed the element of permanence, whereas the unity of the empire was contingent upon the mortal magic of his personal strength. In reality, the ultimate consequence of his gigantic and temporarily successful effort to create civil order was the stimulation of the forces of feudal anarchy.

Charlemagne's undoubted preeminence in his own age caused succeeding generations to inflate him into a demigod. Although after the Middle Ages the impossible legends of which he was the hero lingered only in the minds of poets, something of the same tendency to exaggerate his importance has survived until the present time. In some measure it has victimized economic and social historians, who have attributed to him the initiation of various farsighted projects to promote the economic prosperity of his realm. For the most part these assumptions are supported by meager evidence. Because he sought to extinguish the constantly smoldering embers of revolt among the Saxons by deporting them and populating their lands with peaceful tribes, it has been alleged that he carried out a methodical plan of colonizing conquered territory. On even slighter testimony it has been assumed that he systematically combined small estates and converted them into great domains for the purpose of obtaining superior yield in cultivation. As a matter of fact, the forces guiding the evolution of economic feudal institutions were beyond Charlemagne's control. The inventorial statement contained in Irminon's *Polyptyque* (ed. by Auguste Lougnon, 2 vols., Paris 1886–95) does indeed seem to indicate that the normal regime during Charlemagne's reign was that of large estate, but the emperor himself had had no hand in its introduction, nor did he make any effort to arrest the visible tendency toward the breaking up of these estates through their exploitation by numerous small tenants. Charlemagne's legislation with regard to agricultural organization and administration was really confined almost entirely to his own domains, which he jealously guarded as his chief source of revenue and the most stable foundation of his political power. Even here his efforts to promote economy consisted chiefly of the codification of rules already in force rather than of the introduction of radical changes—a point well illustrated by the famous capitulary *De villis* (tr. in *Translations and Reprints from the Original Sources of European History* published by the University of Pennsylvania, vol. iii, no. ii). The same historians who have so greatly exaggerated Charlemagne's effect upon agricultural organization have sought to demonstrate by a superficially imposing mass of evidence that he was the center of a great industrial and commercial revival. It remains a little more than doubtful that such a revival ever took place. Certainly, from the kernels of truth which inhere in the thesis, no more daring conclusion can be drawn than that Charlemagne manifested solicitude to facilitate exchange through such measures as the attempted introduction of uniform weights and measures and the withdrawal of debased currency from circulation; and perhaps that articles in some of his capitularies tended toward the protection of certain industries.

LOUIS HALPHEN

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CHARLES V (1500–58), Holy Roman emperor and (as Charles I) king of Spain. Charles was born in Ghent as duke of Burgundy and in 1519 was elected emperor. Ruler of a vast empire extending over Germany, the Netherlands, Italy, Spain and America, Charles is from a constitutional point of view a most interesting figure. All his important acts should be interpreted in terms of his efforts to bridge the gap between his mediaeval office and the modern territorial states which composed his domains. On the one hand, he attempted to revitalize the empire and make its claim to universality effective on the foundation of his enormous territorial domains. On the other hand, he tried to reorganize Spain into a territorially and politically consolidated kingdom like that of his great rival Francis I of France and to achieve a similar consolidation of Germany.

But the ideas of the Protestant revolt rendered these several objectives mutually exclusive. It has been argued that Charles, if he had had the vision and the courage to seize upon Luther's ideas, could have made himself the protector, if not the leader, of a popularly supported reorganization of the church and the Christian faith and have shaken the power of the Roman hierarchy, which had been so fatal to previous efforts at organizing a united Europe. The authority of the imperial office, however, rested upon the universality of the Christian faith as organized in the Catholic church, and once it became apparent that the Catholic hierarchy was determined to reject the Lutheran proposals Charles was obliged to act as he did. The abandonment of the Catholic religion, moreover, would have alienated his Spanish subjects completely, and since the consolidation of Spain seemed to be easier than that of Germany this task was seized upon.

He failed to take sufficient interest in the urgently needed internal reforms for which everyone in Germany was clamoring. When he finally attempted to consolidate the German kingdom in 1547 it was too late. The new national consciousness, torn by the rival claims of a universalist dream and local allegiance to prince or city, had disintegrated. Charles' abdication and retirement in 1555–56, although partly the result of his personal desire for peace, seem to substantiate this interpretation of his reign; the constitutional ideas with which he had approached his task had proved incapable of solving the most urgent problems of his office.

Carl Joachim Friedrich

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CHARMONT, JOSEPH (1859–1922), French jurist. He was professor of civil law at the University of Montpellier from 1885 until his death. Charmont's outstanding contribution was his serious attempt, in spite of his affiliation with the individualistic school in jurisprudence, to harmonize the apparently conflicting views of the newer schools, particularly those of Duguit and Durkheim, with the tenets of natural law. His views find their best expression in "Le fondement de l'ordre collectif" (in *Revue de l'institut de sociologie*, vol. iii, 1921, p. 1–14), a paper written just before his death, in which he so modifies his individualistic conception of law as to make room for the claims of the sociologists, holding that individualism and socialism in law can be harmonized. He had already expressed a similar notion in his book *Le droit et l'esprit démocratique* (Montpellier 1908), devoting an entire chapter to "the socialization of law." Charmont also published *Les interprètes du code civil*, in collaboration with A. Chausse, constituting the first volume of *Livre du centenaire du code civil* (Paris 1905); *La renaissance du droit naturel* (Montpellier 1910; 2nd ed. by G. Morin, Paris 1927), the major part of which appears in *Modern French Legal Philosophy*, Modern Legal Philosophy series, vol. vii (New York 1916); and *Les transformations du droit civil* (Paris 1912). From 1892 to 1914 he also contributed an annual report to the *Revue de la législation et de la jurisprudence* on the state of the civil law.

J. Declareuil

Consult: Bouglé, C., "La sociologie et le droit naturel" in *Philosophie scientifique et sociologie*, (Paris 1926) p. 163–94; Davy, G., *Le droit, l'idéalisme et l'expérience* (Paris 1922); Bonnecase, J., *Science du droit et romantisme* (Paris 1928); Platon, G., *Pour le droit naturel* (Paris 1911).

CHARTERED COMPANIES. Convention has now generally narrowed the application of the term chartered company to a type of association for trade with distant points which appeared in early modern times along with the rise of strong European states and their commercial and political expansion overseas. A form of trading company sharing risks and profits had been employed by the Genoese in their highly important trade with north Africa as early as the twelfth century. Northwestern Europe was more backward in commercial organization, but toward the close of the Middle Ages the trading centers of the Low Countries and Germany had largely adapted themselves to south European methods. Great banking firms like the Peruzzi and Bardi of Florence had maintained branches as far away as London. Even after the decline of the Flemish Hanse in the fourteenth century Low Country people played an important role in the activities of the Merchants of the Staple, monopolists in the export to the continent of the great English staples: wool, sheepskin, tin and lead. Although the Hanseatic League was not finally ejected from England until the end of the sixteenth century it had already been suffering for a long time from the aggressive competition of the English Merchants Adventurers, who dealt in various export products, especially undyed cloth, not covered by the Staplers' monopoly. These Merchants Adventurers formed a real national chartered company of the regulated type at the opening of the sixteenth century; they are mentioned here because they are often treated as the outstanding English example of a transitional type between the mediaeval guild and hanse on the one hand and the early modern joint stock concern for more distant trade and colonization on the other.

With the perfecting of ocean navigation and the rise of national states direct trade relations between distant regions began to undermine the earlier forms of commercial monopoly, which had involved several intermediaries. For example, goods from the East Indies had previously arrived in Europe by means of a number of shorter hauls, passing through many hands. Though less expensive as a whole, the direct ocean trade demanded more capital, called for more protection and involved delays longer than any which had previously been imposed upon any one set of merchants.

During the first century after the voyages of Vasco da Gama and Columbus the Italian and German trading towns lost considerably to those of Portugal and Spain, which were advantageously situated for ocean trading. Antwerp flourished for a time, largely because the Low Countries were as good a secondary distributing center for goods from Lisbon or Cadiz as they had been for those from other sources; but the final severance of the Netherlands from Spain coincided with the Spanish conquest of Portugal, and so the Dutch were shut out of the Lisbon market. After the failure of the Spanish Armada in 1588 both the Dutch and the English struck out boldly for the direct East India trade, and together with the French they also felt freer to explore the possibilities of the North American mainland. Neither the Portuguese nor the Spanish developed strong chartered companies; this may be partially explained by the fact that both had been drawn into the conflict for commercial supremacy earlier, at a time when their economic organization was still practically mediaeval, and had thus accumulated bad precedents. Under less strict governmental supervision enterprising chartered adventurers from northern Europe out fought and out traded them.

Really adequate ships for long voyages were developed only after a long time. There was a dearth of friendly ports of call for refitting and taking on supplies. To put the trade on a sound economic basis it needed to be highly organized at both ends of the voyage, and a new spirit of business enterprise was required to discover and introduce the goods which made the most profitable cargoes in both directions. In this many sided competition the chartered company demonstrated its superiority over rigid governmental control and held a unique place in the overseas trade for nearly two centuries.

There is little but their location and their national charters to distinguish the earlier north European regulated companies from the great Italian guilds engaged in the Levant trade at an earlier period. In each case the merchant obeyed the rules laid down in the charter in order to avail himself, with his own capital, of the privileges of membership. In each groups of members sometimes acted together on something like a joint stock basis. The Merchants Adventurers and the Eastland Company both overlapped the earliest national joint stock foreign trade monopolies, of which the so-called Russia, or Muscovy, Company, chartered in 1555, is perhaps the most striking example. It was the long haul, the large permanent investment and the force of strong states which gave the joint stock principle in the chartered companies a new importance and made a great difference in fact out of many obscure ones in form.

W. R. Scott suggests that the joint stock feature of the Muscovy Company, so widely copied in later charters, may have been adopted because of the familiarity of one of the founders, Sebastian Cabot, with the system in Italy. This company made huge profits from the whaling industry and some from Russian and Persian trade, but was often attacked in Parliament by people like Sir Edwin Sandys who objected on principle to joint stock enterprises. The Turkey, or Levant, Company, chartered in 1581 and employing as part of its capital the proceeds of Drake's plundering expedition around the world, abandoned the joint stock basis after about twenty years. Political attacks, Spanish privateering and high English duties on currants figure among the reasons given for adopting the regulated basis. It was at this time that some of its influential members decided to use part of the capital momentarily idle as a nucleus for the organization of the East India Company, of which the earliest minutes actually appear in a letter book of the Levant Company.

In the quite typical charter granted in 1600 to "The Governor and Company of Merchants of London trading into the East Indies" the group was given the exclusive English rights to trade in the Indian and Pacific oceans for fifteen years, with the privilege of renewal. Parliaments, ministers and kings later seized the occasions of many renewals to pare down the prerogatives contained in the charter and to exact subsidies or loans. Other English subjects could trade in those vast regions only under license from the East India Company. Land in unlimited quantities could be purchased, and on it any reasonable laws, not in conflict with those of England, could be made and enforced. Military and treaty making rights were not specifically conferred but they seem to have been assumed and were customarily exercised from the start. The company was exempt from seizure of its ships and sailors for the navy, and also from the restriction upon the export of bullion, within the limit of £30,000 in coin for each voyage. Customs duties outward were remitted for the first four voyages, and a delay in payment up to one year was allowed on later ones. Control was vested in a governor, a deputy governor and twenty-four trustees ("committees"), chosen annually by the Assembly or General Court and all under oath of allegiance to the crown.

Unlike the Dutch East India Company, founded in 1602 by the amalgamation of a number of well established smaller ventures, the English company had no permanent capital, but financed each voyage by separate subscription. Some unliquidated property was passed on at an appraised value from each voyage to the next. This arrangement was less adequate than that of the Dutch, who could set aside large sums to build forts and otherwise provide for the future—a fact which was soon to make trouble for the English company. A sum of £418,691, called the "First Joint-Stock," was subscribed in 1613 to finance the voyages of four years. Unsatisfactory as this was, a half century elapsed before the English East India Company was able to form a single, permanent, capital stock. It paid dividends of 25 percent a year and more at times, but at others it was on the verge of transforming itself into a regulated company and even of abandoning the trade altogether.

The Dutch East India Company was from the first stronger financially and the privileges conferred by its charter, though similar, were somewhat greater. For example, it had the formal right to make treaties, plant colonies, carry on war, build forts and coin money. Any Dutchman was free to become a stockholder—a provision more liberal than the general policy of the English company. The Dutch company acted in a high handed manner in the "Spice Islands," destroying the spice industry where it could not control it, capturing the ships, destroying the posts and even massacring the garrisons of its rivals. The Dutch reached Japan in 1611 and gained exclusive trade privileges there five years later. Finally in 1653 they colonized the Cape of Good Hope, the best single position for refitting and provisioning on the route to the Indies. It has been suggested that it was the extent of the Dutch company's privileges and the lax supervision from the government at home that led to bureaucratic inefficiency in the company and finally, in the eighteenth century, to a large deficit.

A greater amount of control was thrust upon the English group largely because of the different character of the mainland trade. Certain grades of Indian cotton goods competed with English silks and woolens. The English manufacturing interests clamored for protection and secured it through a series of Calico Acts, the last in 1721 forbidding the use or sale of printed, flowered or dyed calico in England. Fourteen years later other English manufacturers who had begun to imitate Indian cotton goods obtained exemption from these prohibitions. As A. P. Usher has pointed out, English protection against East India cotton goods, after the demand for them was already strong, played an important part in bringing on the industrial revolution. A trade originally based on the demand for spices turned aside to the Asiatic mainland to get the cloth which the spice growers wanted in payment, and in the end unintentionally revolutionized textile markets and processes in Europe.

The East India business was constantly

changing as Europeans imitated the Indian goods and manufacturing competition grew up; and of course the wants of the Indies were also modified by European contacts. Government was made more difficult by these shifts in the aims of the companies, especially in a place of relatively immobile institutions like the Orient. The old colonial policies were rigid enough, with their jealousy of anything which might compete with home products, but a profit motivated business group within such a system was even further removed from a broad and statesmanlike attitude toward government. International competition, in which the companies fought over both their own pecuniary interests and the political intrigues of the mother countries, did not simplify the problem. In India especially the struggle between the French and English companies confused political issues with financial greed. Dupleix, an official of the French company in India since 1720, was made governor general in 1742. He and his half-Portuguese wife, born in India and familiar with many of the dialects, had helped the decaying Mogul empire to organize against its enemies. Native troops, trained and led by Europeans, now joined Dupleix against the English. Clive copied the scheme, however, and defeated the French; but within a century the native troop problem proved to be the undoing of the British East India Company itself, and the era of the older type of chartered monopoly was definitely brought to an end.

The economic ideas of the physiocrats and Adam Smith were rooted in the controversies over the East India trade. Early in the seventeenth century (1621) Thomas Mun demolished the cruder forms of the balance of trade arguments by showing that the transfer of precious metal eastward was offset both by the low prices of East India goods and by actual cash balances from reexports. The limits beyond which exclusion and protection hurt the real interests of British business were discovered by experience in many cases, which were to furnish ammunition for the later attacks upon the whole mercantile system.

Baltic companies, trading as they did nearer home and under more familiar conditions, were less revolutionary in organization and effects. The African companies were especially notorious for their part in the slave trade, which profoundly changed conditions both in Africa and in the parts of the Americas to which the blacks were taken. The market for European goods could not be developed in tropical Africa as it was among the more civilized races of tropical Asia. European colonization, hardly attempted in Africa, failed in Asia but took root in tropical and subtropical America, where it was aided by the relatively sparse population and generally ineffective social organization. Of the various chartered companies in the West Indies, the French Compagnie de Saint-Domingue, formed in 1698, is a good example. Taking over that part of the island of Santo Domingo (Haiti) which had belonged to the short lived French Royal West India Company (1664–74) it agreed to colonize one hundred European whites and two hundred African slaves annually for fifty years. The company lasted only half that time, but founded the most important sugar colony of the eighteenth century, the trade of which was so vital to the thirteen English colonies on the mainland that it was to constitute one of the chief causes of the American Revolution.

On the American mainland and elsewhere the bewildering multiplicity of short lived French companies for trade and colonization suggests that, as earlier in the cases of Portugal and Spain, "Grand Monarchy" did not lend itself well to the prosecution of mainly economic aims. Even the English colonizing companies in the temperate zone regions of North America soon fulfilled their missions and gave way to other forms of control, either directed from the mother country or organized by the colonists themselves. The future development of these colonies was to be strongly influenced by the fact that they had been established under auspices largely economic, and that less than the usual attempt had been made to transplant the outlived political and social machinery which was hampering the transformation of Europe. Colonization presented very different problems from those of mere trade, especially as influential members of the companies settled themselves permanently in the new country.

Before the close of the seventeenth century the assault of north Europeans upon the early Portuguese and Spanish monopolies had achieved some of its aims and other aims had lost their importance. Due largely to the growth of trade and the accumulation of capital from the activities of the chartered companies, national governments had become richer, better consolidated and financially more competent. Those governments in which business men were most strongly represented forged rapidly to the front. They were able to assume tasks which had previously been delegated to chartered companies, and these went into decline in the eighteenth century through the disappearance of the conditions under which they had made their contribution.

Chartered companies thus transformed the economic organization and wants of Europe during the sixteenth and seventeenth centuries by bringing in new goods, providing outlets for manufactures and furnishing incentives to the growth of investment capital. They also helped to colonize many temperate zone areas with Europeans and spread European influence and goods all over the world; but this very success of the companies brought them to an end. As they developed they assumed political functions which, because of their fundamentally economic aims, they were unfit to perform on any considerable scale. In the first place the rise of representative government in Europe and overseas undermined the companies. This was also a factor in the clashes of culture between the native and alien populations which later hastened the disintegration of the commercial company. The commercial company was too short sighted and inflexible in political matters; an economically developed region knows more about its own larger needs than does an alien profit seeking business group thousands of miles away.

This transformation of the world which made the old chartered companies obsolete is clearly seen in the history of late nineteenth century attempts to revive the institution. The British Royal Niger Company, chartered in 1886 under the stress of French and German competition, exercised political functions in this wild tropical region for only fourteen years before its functions were taken over by the home government and the territories administered as protectorates. The Imperial British East Africa Company of the same period was bought out and its territories converted into protectorates following a commissioner's report that five years had amply demonstrated the failure of combining trade with administration. The Belgian Congo Company of 1887 and various later concessions from the so-called Congo Free State (itself an extraordinary creation of King Leopold II out of the earlier International Association of the Congo) may be taken as a final and convincing chapter in the proof that the contemporary world condemns the granting of political functions to commercial companies. These are only scattered examples illustrating a revival of interest in the chartered company, founded on the short lived hope that it might yield territorial or trade advantages without the responsibilities or risk to national prestige involved in more direct action.

In so far as the functions of the old chartered company are found in the present day world they are performed by other agencies. Of these the colony proper is one of the chief, as it was one of the first to supersede ventures of the earlier type when national governments became well enough integrated. A second is the protectorate, the current form of which has no very close counterpart in history. Finally, there is the ordinary business corporation operating in relatively backward countries and now generally subject to their laws, whether incorporated in the country which is the scene of its operations or in the homeland of those furnishing the capital. Citizens of one country doing business in another, incorporated or not and regardless of the existence of a concession, are now more or less protected against acts of bad faith in clear violation of the recognized code of civilized nations. This situation is perhaps the most important thing to remember in comparing present conditions with conditions when the chartered company was at the height of its power.

Melvin M. Knight

See: Economic Policy; Mercantilism; Colonial Economic Policy; Colonies; Colonial Administration; Hanseatic League; Joint Stock Company.

Consult: Scott, W. R., *The Constitution and Finance of English, Scottish and Irish Joint-Stock Companies to 1720*, 3 vols. (Cambridge, Eng. 1910–12); Bonnassieux, L. J. P. M., *Les grandes compagnies de commerce* (Paris 1892); Foster, William, *The English Factories in India*, 13 vols. (Oxford 1906–27); Hunter, W. W., *A History of British India*, 2 vols. (London 1899–1900); Usher, A. P., *An Introduction to the Industrial History of England* (Boston 1920) ch. xi; Cheyney, E. P., *European Background of American History 1300–1600*, American Nation series, vol. i (New York 1904) chs. vii–viii; Weber, Henry, *La Compagnie Française des Indes, 1604–1875* (Paris 1904); Mims, S. L., *Colbert's West India Policy*, Yale Historical Studies, no. i (New Haven 1912); Biggar, H. P., *The Early Trading Companies of New France* (Toronto 1901); Pringsheim, Otto, *Beiträge zur wirtschaftlichen Entwickelungsgeschichte der vereinigten Niederlande im 17. und 18. Jahrhundert*, Staats- und socialwissenschaftliche Forschungen, vol. xliv (Leipsic 1890); Motley, J. L., *History of the United Netherlands*, 4 vols. (New York 1860–68); Blok, P. J., *Geschiedenis van het nederlandsche volk*, 4 vols. (2nd ed. Leyden 1912–15), tr. by O. A. Bierstadt and Ruth Putnam as *History of the People of the Netherlands*, 5 vols. (New York 1898–1912); Gillespie, J. E., *The Influence of Oversea Expansion on England to 1700*, Columbia University Studies in History, Economics and Public Law, vol. xci, no. i (New York 1920) chs. iv–vi; Botsford, J. B.,

English Society in the Eighteenth Century as Influenced from Oversea (New York 1924) chs. ii–v; Unwin, George, *Studies in Economic History*, ed. by R. H. Tawney (London 1927) p. 168–86.

CHARTISM. The Chartist movement was, on the one hand, a continuation and further development of the political agitation which led to the electoral Reform Act of 1832. On the other, it was the first political struggle of the modern proletariat moving along conscious class lines. Reform had chiefly benefited the rising urban commercial middle classes. It swept away a large number of rotten boroughs, reduced the representation of others and distributed among the growing industrial sections seats thereby liberated. There was also an extension of the county franchises, which benefited the landed interest, but the household suffrage continued to be subject to a then relatively high £10 rental qualification, while a number of ancient popular franchises were abolished in the boroughs, leading to a large amount of disfranchisement.

The laboring classes were still largely outside the pale of constitutional life. Chartism was a movement carried on by these classes to obtain political power for the achievement of economic ends. Popular discontent was growing more and more intense because of the increasing use of machinery, with consequent displacement of labor, and the early harsh operation of the Poor Law of 1834. Moreover, toward the close of the decade industry and trade began again to languish, and while wages were low food was dear.

At the opening of the first Parliament of Queen Victoria's reign in 1837 an amendment to the address, moved by Mr. Thomas Wakley, a radical stalwart of the day, and seconded by Sir William Molesworth, called for an extended franchise, election by ballot and shorter parliaments. But the cabinet refused to consider further political reforms and on a division the amendment received only 20 of 529 votes. In June, 1838, several radical members of Parliament joined the leaders of the London Working Men's Association (formed in 1836) in drawing up a manifesto known as "the People's Charter." It made six political demands, most of which had long been advocated in the House of Commons by "philosophical" and other radicals: universal (i.e. manhood) suffrage, annual parliaments, vote by ballot, the abolition of the property qualification for membership in the House of Commons, payment of members and equal electoral districts. What gave the Charter unique importance and influence was the fact that by it the political aspirations of the masses of the people were focused as never before. In addition to these political demands the Chartist movement came to stand for numerous social and economic reforms: it was on the whole antireligious, radical in economic theory and in its views on such questions as land and tax reform.

Systematic agitation began in London and throughout the provinces and wherever the Charter was expounded organizations were formed and fighting funds raised. The movement naturally attracted most sympathy in the large industrial towns. A fervent, if eccentric and at times injudicious, leader was found in Feargus O'Connor, an Irish barrister who had once done good work for O'Connell. The leaders of the Working Men's Association—William Lovett, Henry Vincent, Henry Hetherington and others—took an active part in the crusade, being joined later by ardent idealists like Ebenezer Elliott, Ernest Jones, Thomas Cooper and the more practical James Bronterre O'Brien. O'Connor founded and edited at Leeds the *Northern Star* as a propagandist organ, and similar sheets were published in many other parts of the country.

Thomas Attwood, the Birmingham banker, proposed that a national petition be presented to Parliament and a general strike proclaimed in the event of its refusal. A national convention held in London in February, 1839, proved to be a trial of strength between the constitutional and the revolutionary groups. When the latter won the day the Birmingham contingent, largely composed of middle class politicians, withdrew. The base of operations was nevertheless removed to the Midland city for a short time and its presence there led to riots in which houses were burned. When on June 14, 1839, Attwood introduced the petition, which was said to contain a million and a quarter signatures, the House received it civilly. When on July 12 he proposed its adoption only 46 members supported the motion, with 235 against.

The first answer of the Chartist leaders to this rebuff was the proclamation of a general strike called the "sacred month." This was not carried through, but the resentment of the extremists took the form of violent demonstrations, drilling and even arming of a rude, improvised kind and an attempted rising in November at Newport. Everywhere the authorities retaliated promptly and rigorously.

For a time the movement suffered a check, but in 1840 the National Charter Association was formed at Manchester and was soon able to boast some 400 branches with 40,000 members. The Anti-Corn Law League was then conducting its historic agitation in the same city, but attempts to organize a joint campaign came to nothing. The hard times which the laboring classes had to face early in the forties acted as fuel to flame. In August, 1842, a "sacred month" of idleness was again proclaimed and the physical force Chartists of the Manchester area, forming themselves into bands, scoured the surrounding district for a radius of fifty miles, bringing every cotton factory in Lancashire and west Yorkshire to a standstill by the simple device of extracting the boiler plugs. Many arrests were made at that time and the ringleaders were harshly punished.

Now for a time the movement again ran slowly, although each general election saw an increase of the Charter's friends in the House of Commons. The year of revolution, 1848, witnessed both the most ambitious attempt of the movement and its final failure. Encouraged by events on the continent the Chartist leaders decided to organize an imposing national demonstration on Kennington Common, to be followed by a procession to the House of Commons, there to present a petition demanding the enactment of the "six points." The great demonstration proved a fiasco; barely one tenth of the half million people expected appeared. Although the petition was formally presented it was found that only a fraction of the six million signatures claimed for it were appended and that a large proportion were duplicated and otherwise fictitious.

The double humiliation of a foiled spectacle and a faked petition dealt a mortal blow to a movement already showing signs of exhaustion. Disappointment among the rank and file and hopes for a share in the prosperity expected to result from the victory gained in 1846 for free trade and cheap corn were other factors making steadily for a definite cleavage between the moral force and physical force wings of the party. Throughout, the leaders of Chartism had lacked the unity and concentration which had carried Cobden's league to speedy success. Some had joined the cause to win support for reforms of their own. Thus Robert Owen was at heart neither a Chartist nor a politician but a humanitarian ideologist. Attwood's enthusiasm centered on the rationalization, as he regarded it, of the currency and the amelioration of the Poor Law. Even Feargus O'Connor, who contributed to the movement much of its motive power, divided his allegiance between the Charter and a utopian scheme embodied in the Chartist Cooperative Land Society, which was formed in 1845 for the purpose of getting people back to the land. Repeated winnowings left the active Chartists a party of the proletariat at a time when tried proletarian leadership was lacking.

In the end the movement broke up into a number of factions, the chief of them being O'Brien's Manchester Charter Association, which stood for peaceful agitation and cooperation with such middle class elements as might from time to time be sympathetic, and Ernest Jones' National Charter Association, which stood for a class war. Although the movement as a whole ran out into trade unionism, class collaboration and cooperative societies and ceased to exist as a separate political movement, it would be a mistake and an injustice to regard its adherents as misguided men who had spent their strength in vain. All their demands except that for annual parliaments were eventually enacted: the property qualification for election to the House of Commons was abolished in 1858; the principle of universal manhood suffrage was accepted by the acts of 1867, 1884 and 1918; and payment of members was enacted by the Finance Act of 1911. The importance of Chartism is also to be gauged by the facts that in the Chartist period were passed: the first real factory law (1833); the first real law for the protection of child and female mine labor (1842); a ten-hour day law (1847); and a law for the reduction of the newspaper tax (1836). Furthermore the movement looms as an important landmark in the history of class struggle; as such it had the approval and cooperation of such contemporaries as Marx and Engels and in fact was pervaded by proto-Marxian ideas. The attitude of most Chartist leaders toward Corn Law repeal, which they regarded either as a red herring dragged across the trail by the middle class to deceive the workingman or as an outright danger to working class interests, and toward antislavery agitation, which O'Brien generally characterized as a hypocritical swindle, is remarkably akin to later social-revolutionary views of liberal reformism. On the other hand the bitter tones of established church clergy, aristocrats and middle class leaders reflect the class opposition which set itself against Chartism. Although events discredited the violent tactics of the left wing, Chartism impressed British labor with the importance of capturing the political state as a step toward economic advancement and may on the whole be looked back to as one of the headwaters of all socialistic currents in contemporary England.

W. H. Dawson

See: Suffrage; Labor Legislation; Parties, Political; Christian Socialism.

Consult: Gammage, R. G., *History of the Chartist Movement* (Newcastle-on-Tyne 1894); Rothstein, T., *From Chartism to Labourism* (London 1929) pt. i; Hovell, M., *The Chartist Movement*, University of Manchester, Historical series, no. cxvi (London 1918); Gillespie, F. E., *Labor and Politics in England 1850–1867* (Durham, N. C. 1927); Bachmann, F., *Die Agrarreform in der Chartistenbewegung* (Bern 1928); Beer, Max, *A History of British Socialism*, 2 vols. (London 1919–20), vol. i, chs. x–xii, vol. ii, chs. i–ix; Barnes, D. G., *A History of the English Corn Laws from 1660–1846*, London School of Economics, Studies in Economics and Social History (London 1930); Slosson, P. W., *The Decline of the Chartist Movement* (New York 1916); Faulkner, H. U., *Chartism and the Churches* (New York 1916).

CHASE, SALMON PORTLAND (1808–73), American statesman. Chase's early antislavery activities, which identified him prominently with the Liberty and Free Soil parties and won for him a reputation as defender of fugitive slaves in the Ohio courts, led to his election in 1849 as United States senator from Ohio. During his term in the Senate (1849–55) he aligned himself with the Democratic party, attempting, however, to force upon it his own antislavery views, which, while condoning the *fait accompli* of slavery in the southern states, advocated uncompromising legislation by the federal government forbidding any extension of the institution into the national domain of the territories. Unsuccessful in his attacks on the Compromise of 1850 and the Kansas-Nebraska Bill of 1854 and despairing of ending proslavery domination in the Democratic party, Chase joined the newly formed Republican party in 1855. After serving two terms as Republican governor of Ohio he was again elected senator, took his seat March 4, 1861, and resigned the next day to become secretary of the treasury in Lincoln's cabinet. In the following year he reluctantly accepted the Legal Tender Act, which established the policy —much criticized at the time and since—of making "greenbacks" legal tender for public and private debts. Chase's most notable contribution as secretary of the treasury was the establishment in 1863 of the national banking system. Despite his lack of sympathy with Lincoln, Chase continued until his resignation in July, 1864, to support the war policy of the administration. In December he was appointed chief justice of the Supreme Court and later stood with the majority of that court in the decision (February 7, 1870) invalidating the Legal Tender Act in its application to prior debts, as well as in subsequent decisions [Mississippi *v.* Johnson, 4 Wall., 71 U. S. 475 (1867); Georgia *v.* Stanton, 6 Wall., 73 U. S. 50 (1867); Texas *v.* White, 7 Wall., 74 U. S. 700 (1869); and others] which upheld the Republican policy of reconstruction.

William MacDonald

Consult: Hart, A. B., *Salmon Portland Chase*, American Statesmen series, vol. xxviii (Boston 1899); Smith, T. C., *Parties and Slavery 1850–1859*, American Nation series, vol. xviii (New York 1906); Carson, H. L., *The History of the Supreme Court of the United States*, 2 vols. (new ed. Philadelphia 1902–04) vol. ii, p. 389–95; Dewey, D. R., *Financial History of the United States* (10th ed. New York 1928) chs. xii–xiii.

CHASSIDISM, the term used to designate the mystical religious movement which started among the Jews of eastern Europe about the middle of the eighteenth century, is derived from the Hebrew word חסיד (pious). The followers of this movement are known as Chassidim and their opponents as Mithnagdim (protestants). While in many respects Chassidism is similar to, and almost contemporaneous with, the pietistic movements within the Protestant churches, it is in no way related to these movements and springs from a series of influences quite independent of those which were operative in western Christendom.

As an intellectual movement Chassidism is merely the culmination of a mystic strain running through the whole course of Jewish religious history and revealed in the apocalyptic portions of the Bible, in the Agadah of the Talmud and Midrash and in the Kabbala of the *Zohar* and of Isaac Luria and Chayim Vital. As such it is a protest against an overemphasized rationalism and intellectualism and an attempt to satisfy the emotional needs of a religious life. Its outburst in the eighteenth century was directed chiefly against the rule of a scholasticism that had come to dominate the whole system of Jewish education and study.

Chassidism, however, was not merely an intellectual movement. The mass character it assumed can be explained only by its intimate connection with the social and economic conditions of the time. The ravages of the decade of 1648–58, occasioned by the Cossack revolt and the Russian and Swedish invasions of Poland, had left the great mass of the Jewish population in a wretched economic condition. They suffered on the one hand from the external oppression of their non-Jewish neighbors and on the other from the ever increasing financial burdens imposed upon them by their own *kahal* elders. Their dream of national regeneration and redemption through the messianic movements of Sabbatai Zevi and Jacob Frank ended in a fiasco. The Jewish communal organizations of the time were controlled by a self-seeking rich oligarchy and an intellectual aristocracy who for the most part existed only by flattery and cringing subservience to the rich. The unlearned mass were economically overburdened and socially despised. For a people among whom religion was the central interest in life it was natural that social discontent should take expression in a religious movement. The great masses, consisting chiefly of small innkeepers in the country and of hand workers and laborers in the villages and towns, found no comfort in the Talmudic quibbling indulged in by the rabbis nor could they follow the mystic who took flight into the fantastic realms of the Kabbala and who sought relief from the troubles of this world by completely denying them. Long before the rise of Chassidism the discontent of the masses found expression through popular orators known as *maggidim*. Its organized expression, however, came through the Chassidic movement founded by Israel Baal Shem Tob.

Israel was born about the year 1700 on the border between the provinces of Podolia and Walachia in the Ukraine. He became a "helper" in the village Talmud Torah, leading the children to and from school. He began to delve into the Kabbalistic writings and at the age of thirty-six started traveling about as a wonder healer or *baal shem*. His healing of physical ailments, however, soon became insignificant in comparison with the popularity he achieved as a healer of souls and as the teacher of a new doctrine. To distinguish him from other wonder healers he was called Baal Shem Tob (the *good* master of the Name) or, in abbreviated form, the Besht.

The Besht settled in Medzhibozh in 1740 and for the remainder of his life this was the center for the large following attracted to his teaching. His work after his death was carried on chiefly by two of his disciples, Jacob Joseph Hakohen and Baer of Mezherich, also known as the Maggid of Mezherich. The former gave Chassidism its first literary work, the *Toledoth Jakob Joseph* (Korez 1780), which was both a severe indictment of the Talmudists and a faithful exposition of the teachings of the Besht. Baer was the organizing genius of the movement. He gathered around him a group of distinguished Talmudists who had become converted to the new movement and then sent them out as missionaries throughout the various Jewish communities of Poland, the Ukraine and White Russia to preach the new doctrine and organize themselves against the attacks of the Mithnagdim. By this time the Talmudists had awakened to the dangers of the new movement and combated the Chassidim as the followers of a heretical sect. Strengthened by the support of the greatest Talmudist of the time, Elijah Gaon of Vilna (1720–97), they published bans of excommunication against the Chassidim calling for their complete social and religious ostracism. The struggle became so acute that the Russian government intervened and upon information supplied by the Mithnagdim twice arrested the leader of the Lithuanian Chassidim, Shneor Zalman, on charges of political disloyalty, in 1798 and 1800. He was freed only after the authorities were fully convinced of the nonpolitical character of the movement. Chassidism, however, never definitely assumed the character of a sect, as did, for instance, Karaism. While many differences continued to separate them from their opponents they remained and carried on their activity as an integral part of the Jewish population. With the break up of the Pale after the World War many Chassidic rabbis emigrated to the United States and were received by their Chassidim who had preceded them to this country. Because of the complete secularization of Jewish life and the chaotic condition of Jewish religious institutions in the United States, however, they have failed to become the powerful factor they once were, and to a limited extent still are, in eastern Europe.

The Besht, himself a man of the people, realized that the religious needs of the masses were not met by the leaders of the day. In place of the rabbinic stress on learning as the test of true piety he emphasized prayer and the practise of the moral virtues; in place of the emphasis on the performance of the commands of the law he insisted on the greater importance of the *kavanna*, or moral will and purpose behind the performance of these duties; in place of the current air of haughty arrogance assumed by the learned classes he practised and preached a doctrine of humility that aimed to bridge the wide gulf between the various social strata. Finally, in contrast to the ascetic mode of living idealized by the older Kabbalists he taught a religion that abounded in ecstasy and in the joy of life. Through his pantheism and his doctrine of the interaction of the upper and lower worlds he brought the material as well as the spiritual world within the realm of the divine. God must be worshiped in all ways and through every act of daily life. Thus Chassidism was a doctrine based on simple emotions and simple virtues and as such had a particular appeal to the poorer classes. They too now found themselves considered an important element in the community and deserving of a share in this world as well as that of the kingdom to come. Chassidism proved a cohesive bond that united the disjointed elements of the lower classes, filled them with a greater degree of self-esteem and thus introduced a new creative element into Jewish life.

The Besht, moreover, as well as many Chassidic rabbis of the later period, actively participated in alleviating the intolerable condition of the masses. Realizing that "poverty only served to distract the thoughts of man from his Creator" they took the lead in the organization and collection of funds for the establishment of charitable institutions and very often utilized the authority and respect they acquired even among the non-Jewish population to intercede before landowners on behalf of tax burdened or dispossessed Jewish tenants.

With the passing of the generation of the Maggid and his disciples the period of degeneration and eventual stagnation of the Chassidic movement set in. Although it continued to spread until it gathered over half the Jews of eastern Europe under its standard it never reached either in spontaneity or in caliber of its leadership the glories of its earlier days. Chiefly responsible for this was the central position assumed by Tzaddikism. The *tzaddik*, or *rebbe*, as the spiritual leader of the Chassidim was called, was a sort of intermediary between God and His people on earth. Through his prayers and intercession the tzaddik supposedly was able to influence the divine will and thus work miracles. The whole life of the Chassid centered in the person of his tzaddik. He came to him for help or advice on matters of health, family relations, business or any other matters. In order to insure to the tzaddik perfect tranquility and freedom from material care the Chassidim contributed to his support and often devoted their last pennies to this purpose. In time the position of tzaddik assumed a dynastic character. The descendants of the earlier leaders settled in various Jewish communities and their title and the moral authority that went with it became hereditary. Often the fiercest rivalry developed between one dynasty and another. The home of the tzaddik, frequently a palatial mansion, was known as the "court" of the tzaddik. From the court he directed the affairs of his followers scattered for many miles around. In regions where the Jews were enfranchised the tzaddik was, and still is, a very important factor in the political life of the country, able to sway the votes of his followers at will.

This implicit faith in the tzaddik, the Chassidic overoptimism as to the eventual outcome of all troubles and the practise of long attendance at the court of the tzaddik tended to produce a fatalistic resignation, mental laziness and social laxity. Out of the importance which Tzaddikism attached to joy and the need for stimulating it artificially when necessary came a proclivity toward alcoholism, and with the belief in the wonder working powers of the tzaddik came a general superstitious attitude that later proved the foe of enlightenment and change.

Chassidism has, however, left a lasting imprint on Jewish life by its elevation of the common man, its break up of rigid class distinctions and the raising of the social status of women. By its accentuation of emotionalism, its direction of Jewish interest inward and above all by the central place assumed by Palestine in Chassidic life and literature it became one of the most powerful stimuli toward the development of the Jewish national movement. With its unusual development and accumulation of folk songs, folk tales, legends and parables it proved one of the sources of a national art and literature. Viewed from a rationalistic westernized standpoint Chassidism has been branded as an obscurantist, fanatical and superstitious movement that retarded the penetration of the benefits of western culture for another century. Approached, however, with a sympathetic appreciation of the life and history of east European Jewry it appears as a movement sprung from an inner necessity, deeply rooted in the stream of Jewish religious experience and as such the most far reaching and vital religious movement of the modern Jewish period.

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See: DIASPORA; JUDAISM; MESSIANISM; MYSTICISM; ZIONISM.

Consult: Dubnow, S., *Toledoth hachassiduth* (History of Chassidism), vol. i– (Tel-Aviv 1930–), and *History of the Jews in Russia and Poland*, 3 vols., tr. from the Russian by Israel Friedlaender (Philadelphia 1916–20); Horodetzsky, S. A., *Hachassiduth vehachassidim*, with complete bibliography, 4 vols. (Berlin 1923), abr. translation by Maria Horodezky-Magasanik as *Leaders of Hassidism* (London 1928); Gulkowitsch, Lazar, *Der Hasidismus* (Leipsic 1927); Niemirower, J. J., *Chassidismus und Zaddikismus* (Bucharest 1913); Schechter, S., *Studies in Judaism, First Series* (Philadelphia 1896) p. 1–45; Teitelbaum, M., *Harab Mi-Ladi* (The rabbi of Ladi), 2 vols. (2nd ed. Warsaw 1914); Buber, Martin, *Die chassidischen Bücher* (Hellerau 1928).

CHASTITY. In primitive societies there are several factors leading to the injunction of chastity. The biological factor, the repulsion of the male by females during pregnancy and lactation, found among all animals, obtains in the form of tabus among the majority of uncultured races. Menstruation, commonly ascribed to the dreaded influence of the moon, likewise gives rise to a strict and universal tabu. To this class may also be referred the custom of exogamy and the prohibition of incest, favored by the male's wandering and the female's sedentary disposition and perhaps connected with the protection of very young females (younger sisters) in communities where mothers and elder sisters are regarded with awe by the younger males.

Chastity tabus arise also from proprietary claims. In most uncultured races women's sexual freedom is limited only by marital claims to fidelity, often laxly enforced and qualified by those of tribal brotherhood, hospitality and ritual license. Prenuptial chastity is not enjoined. The retrospective claim appears to be connected with infant betrothal, particularly in the brides of sacred chiefs. Feminine chastity, lax throughout the lower cultures, is stringently enforced where the men possess considerable purchasing power, as in pastoral societies. In these and in the higher cultures developed out of them adultery is often punished with great severity and proof of the bride's virginity is demanded.

Chastity is often enjoined also on religious grounds. The magico-religious value assigned to sexual abstinence originally belongs to the same order as that ascribed to observances, typically represented by rites of mourning, which are intended to avert the envy of supernatural beings. The Greek word ἄγγεια (chastity), originally denoting abstention from food as well as from sexual activity, had specific reference to rites of mourning and "aversion." While many primitive rites intended to stimulate generative powers entail sexual license, others relating to operations deemed dangerous, such as war, hunting, fishing, the preparation of food, the offering of sacrifices, priestly functions of intercession, are thought to demand abstention from indulgence that might excite envy. To this motive is added, in the case of warriors, hunters and fishers, a desire to protect themselves against feminine influences deemed detrimental to masculine pursuits. The hygienic advantages of chastity seldom appear to be considered. In oriental cultures asceticism was held to confer magical powers irrespectively of the practitioner's moral depravity.

In higher pastoral and oriental cultures the emphasis laid on chastity had reference chiefly to feminine continence. Rigorous ideals of that virtue are found without a suggestion of its applicability to men. Among the Greeks the conception of chastity, apart from uxorial obligations and ritual requirements, existed only as part of the ideal of moderation, applicable equally to eating and drinking. Among the Romans marital claims were thought to imply reciprocity and example.

Post-exilic Judaism was characterized by obliteration of the distinction between ritual and moral injunctions and by the extension of functional priestly obligations to all members of the religious state. Ritual continence thence came to be regarded as a virtue of general applicability, and ritual unfitness, or impurity, as sin. That tendency, counteracted by the Jewish ideal of procreativity, became emphasized among the primitive Christian sects, with whom renunciation was no longer the means of magic power but the condition of salvation. Early Christianity carried that conception to its extreme limit. In an emotional, religious atmosphere continence, owing to the power of the instinctive forces which it had to combat, became the center of moral preoccupation and sex the essence of sin. Marriage appeared to many an unworthy compromise. No writer in the early Christian centuries fails to affirm the superiority of virginity, a view confirmed by the Council of Trent. The consequences of stamping out sexual activity were accounted preferable to the propagation of mankind by sin.

Although sexual prohibitions date from the infancy of humanity chastity nowhere appears to have assumed the character of a substantive moral virtue until the development, under special conditions, of Christian ethics. From these the moral tradition of western civilization is derived. The misapprehension which regards that tradition as the term of an evolution continuous from primitive stages contains a sufficient measure of truth to render it misleading and impairs the value of many discussions.

During the Middle Ages the influence of Christian morality was brought to bear on barbarian peoples whose conceptions corresponded to their cultural phase. Resulting compromises were on the whole characterized by evasion in practise of principles formally professed. The ruling classes seldom gave up their immemorial habits. The license was veiled, however, by an idealization which had the notable effect of developing romantic and sentimental conceptions. Christian morality was more solidly realized among the burgher classes and received a fresh impetus with their rise to power and the growth of Puritanism, which stressed their moral superiority over the nobles.

The present period shows signs of a revolt against the moral tradition and a disposition to reconsider the foundations of the ideal of chastity. Physiological science seems to indicate that complete sexual abstinence and even excessive repression are fraught with dangers scarcely less grave than sexual excess. As with other physiological functions the optimum consists in moderate activity. But sexual activity is always psychophysiological. It not only bears on the sexual instinct in the narrow sense but also on the instincts which are at the root of social affections. These and the biological sexual instinct are in many respects antagonistic. Unrestricted license is psychologically, no less than socially, incompatible with those instincts which constitute the psychical bond of the relation between men and women. Those bonds cannot be preserved without subjecting sexual activity to limitations dictated by mutual devotion and common interests.

ROBERT BRIFFAULT

See: MARRIAGE; SEX ETHICS; ASCETICISM; CELIBACY; PURITANISM; MORALS; WOMAN, POSITION IN SOCIETY; BIRTH CONTROL.

Consult: Briffault, Robert, *The Mothers*, 3 vols. (London 1927) vol. ii, p. 8–64, and vol. iii, p. 334–75; Ploss, Heinrich, and Bartels, Max and P., *Das Weib in der Natur- und Völkerkunde*, 3 vols. (11th ed. Berlin 1927) vol. ii, p. 18–37; Sumner, W. G., and Keller, A. G., *The Science of Society*, 4 vols. (New Haven 1927–28) vol. iii, p. 1674–83; Hobhouse, L. T., *Morals in Evolution* (3rd ed. London 1915) chs. iv–v; Crawley, Ernest, *Studies of Savages and Sex* (London 1929) ch. i; Malinowski, Bronislaw, *The Sexual Life of Savages in North-western Melanesia* (London 1929); Fehrle, Eugen, *Die kultische Keuschheit im Altertum*, Religionsgeschichtliche Versuche und Vorarbeiten, vol. vi (Giessen 1910); Parsons, E. W. C. (John Main), *Religious Chastity* (New York 1913); Lecky, W. E. H., *History of European Morals*, 2 vols. (3rd ed. rev., New York 1927) vol. i, p. 103–07, 316–53; Ellis, Havelock, *Studies in the Psychology of Sex*, 7 vols. (Philadelphia 1913–28) vol. vi, ch. v, and *Little Essays of Love and Virtue* (New York 1922).

CHATEAUBRIAND, FRANÇOIS AUGUSTE RENÉ, VICOMTE DE (1768–1848),

French man of letters, diplomat and politician. His political writings include the *Essai historique, politique et moral sur les révolutions* (1797), the *Études historiques* (1831) and much newspaper writing and pamphleteering. His imaginative works, like the *Génie du christianisme* (1802), are also affected by his attitude toward politics and especially toward the French Revolution. There are political implications even in his characteristic romantic attitude as displayed in his novels. His exaltation of the romantic hero, misunderstood and suffering, at war with a world which refuses to measure up to his desires, is an anarchistic reading of Rousseau. Chateaubriand often despairs of everything; the legitimist is strangely doubled with the nihilist.

The *Essai . . . sur les révolutions*, written in England, where Chateaubriand was living as an émigré, is the pessimistic and somewhat confused work of a young man still influenced by the philosophy of the eighteenth century salon, and was subsequently disavowed by its author. Chateaubriand sets out to discredit the revolution by proving its futility and examines with great parade of learning twelve significant revolutions of history. He finds that they all follow courses essentially the same, and he arrives at the skeptical conclusion that, in spite of momentary benefits which it may confer, the revolutionary cycle must inevitably return to its starting point. Borrowing from the *philosophes* he repudiates Christianity, but at the same time rejects the hope of man's perfectibility through his own efforts. Chateaubriand's conversion to Roman Catholicism about 1799 made him in reality a much less complete adversary of the revolution. With a suddenly released poetic imagination and romantic fervor, which were to affect French literature and thought throughout the nineteenth century, he records in the *Génie du christianisme* his ecstasy at finding in Christianity a powerful artistic inspiration as well as evidence of the idea of progress and of a gradual improvement in the human race. "Its steady circle widens itself with the growth of knowledge and liberty, while the Cross marks forever its fixed center." The appearance of these volumes on April 14, 1802, four days before Napoleon's announcement of the final signing of the Concordat, established the fame of the author, although it laid his work open to criticism as an "ouvrage de circonstance." The favor of the emperor was discontinued in 1807 as the result of an article written by Chateaubriand for the *Mercure* in which he attacked Napoleon's absolutism.

With the return of the Bourbons Chateaubriand ended his retirement and entered practical politics, championing in his pamphlet *De la monarchie selon la charte* (1816) a constitutional monarchy. He was still a believer in legitimacy, but a legitimacy taught by exile that its subjects have legitimate individual rights and liberties. During his political and diplomatic career under the Restoration he was in the main an advocate of liberal measures, keenly aware of the extent to which the social changes resulting from the new industrial era were undermining the supports of monarchy. Chateaubriand's faith in the Catholic church remained unshaken. In his *Études historiques* he presents his most explicit statement of the significant role which it has played in human progress. Denying on the one hand the thesis of Voltaire's *Essai . . . sur les moeurs* and on the other that of Bossuet's *Discours sur l'histoire universelle*, Chateaubriand conceives of mankind as participating actively, under divine guidance, in the working out of its own destiny.

CRANE BRINTON

Works: *Oeuvres complètes de Chateaubriand*, 12 vols. (Paris 1859–61). English translations of *Essai historique* (London 1815), *Génie du christianisme*, by Charles I. White (7th ed. Baltimore 1868), *De la monarchie* (London 1816).

Consult: Cassagne, A., *La vie politique de François de Chateaubriand* (Paris 1911); Maurras, C. M. P., "Trois idées politiques; Chateaubriand, Michelet, Ste. Beuve" in *Romantisme et révolutions* (Paris 1922); Giraud, V., *Le christianisme de Chateaubriand*, 2 vols. (Paris 1925–28); Beau de Loménie, E., *La carrière politique de Chateaubriand de 1814 à 1830*, 2 vols. (Paris 1929); Spring, H. P., *Chateaubriand at the Crossways* (New York 1924); Sée, H., "Les idées et les tendances politiques de Chateaubriand" in *Revue d'histoire littéraire de la France*, vol. xxxii (1925) 38–49.

CHATHAM, EARL OF. *See* PITT, WILLIAM.

CHAUTAUQUA is the designation for a religious, moral, social and educational movement taking its name from Chautauqua, New York, its point of origin. It grew out of an annual summer camp meeting which had been held for a number of years at Chautauqua under the auspices of the Methodist Episcopal church. In 1873 Rev. J. H. Vincent, who later became bishop, and Lewis Miller, a wealthy business man of Akron, Ohio, proposed that the camp meeting should specialize in the discussion of problems relating to Sunday School management and method. In 1874 the Sunday School Teachers' Assembly was organized; its success was marked and other evangelical denominations soon began to participate. As a result of this growth in attendance the programs became correspondingly enlarged and diversified. With the addition of lectures and formal courses on Sunday School methods, Biblical history, Biblical geography, Hebrew, Greek, sacred music, etc., the camp meeting developed into a full fledged summer school for religious education. During twenty-five years it continued to introduce new courses of study until the total number exceeded two hundred and the length of the session had been extended from twelve to fifty days. Permanent classroom buildings were erected as well as auditoriums, hotels, cottages, etc., to accommodate those who came to this watering place for rest and recreation in a wholesome moral environment. For visitors who did not care for formal study a program of popular and inspirational lectures supplemented with good music and wholesome entertainment was supplied. The daily programs included lectures by noted men and women in the fields of education, politics, religion, industry, literature, music and science. These latter features soon became the popular conception of Chautauqua, attracting people in larger numbers from neighboring states. During a single season as many as 150,000 are reported to have been in residence for periods of varying length, exclusive of those coming for a single day. The institution, which now may be considered to be on a permanent basis, is financed primarily by the daily and seasonal gate receipts plus the profits accruing from the hotels, stores and other concessions on the ground.

Within a dozen years following the organization of the first assembly at Chautauqua Lake no less than fifty independent summer camp meetings calling themselves Chautauquas were scattered from coast to coast. Although many lasted only for a short while, some have become almost as famous as the mother institution. Among the most successful are those at Winona Lake, Indiana; Lakeside, Ohio; Boulder, Colorado; Bay View, Michigan; Franklin, Ohio; and Ocean Grove, New Jersey. While no two of these are alike in detail, they share the general function of combining recreation with entertainment, inspiration and education of a popular brand. In some, such as Winona Lake and Ocean Grove, the summer program consists largely of an almost continuous succession of religious conventions, while others stress educational, inspirational or musical features.

A second and more familiar form at the present time is the traveling Chautauqua, initiated in 1904 as a commercial venture and built upon the circuit plan. During the summer months three to seven-day programs are given in circus tents for towns of from 500 to 10,000 population. The "talent," i.e. lecturers, musicians and other performers, moves from town to town in the circuit. Because of relatively short distances between stands and long term contracts which could be made with the "talent" the plan proved economically successful and numerous traveling Chautauquas were established. The usual daily program consists of a lecture together with musical, dramatic or other entertainment at both afternoon and evening sessions. A central theme, such as community improvement, public health, international relations, civic pride, education, usually dominates the program.

This type of Chautauqua rapidly grew in public favor. In 1912 there were in six midwestern states alone almost 600 such Chautauquas. The movement reached its height in 1921, at which time approximately 12,000 American and Canadian communities were thus served. It has been estimated that approximately 5,000,000 people were reached. Since 1921 there has been a steady decline in the number of communities sponsoring these gatherings. Small Chautauquas have tended to disappear, much of the business being concentrated in the hands of three large traveling organizations, the Redpath, Swarthmore and Community Chautauquas. In 1930 it is estimated that there is less than 10 percent as many towns with an annual Chautauqua as there was in 1921. Approximately 75 percent of these towns have less than 1500 population, being mostly inland rural centers. Among the reasons for this decrease is the competition of the automobile, the cinema and the radio.

The early practise of presenting lecturers who dealt with controversial topics has gradually been supplanted. In recent years community leaders, on whom the Chautauqua management leans for support, have even intervened to prevent the appearance of a lecturer who they feared might express views antagonistic to their economic interests. As a result inspirational lecturing has been more and more substituted. Since the war the Chautauquas have tended to provide a type of Broadway drama and jazz music which in an earlier period would have met the severe moral reproof of the rural consumer. There has been a marked tendency to give the public what it presumably desires as long as such a policy proves profitable. The recent decline in business has as yet brought no marked improvement in the quality of the product. Despite the fact that this has not been the best which might have been offered, it has been superior to other entertainment available in rural communities.

Several by-products have sprung from the Chautauqua movement, each with its own social value. One is the summer school movement, now participated in by most resident colleges and universities and largely modeled after the successful experiment at Chautauqua. The Chautauqua summer school was also one of the two sources of the modern correspondence school. Dr. William Rainey Harper, a young professor in this school, demonstrated the practicability of this method of instruction in order to continue the educational work begun in the summer. A third by-product was the Chautauqua Literary and Scientific Circle, founded in 1878 and constituting a network of local affiliated groups throughout the United States, which undertook under the guidance of Chautauqua teachers a definite program of reading and study of a general cultural nature with the Bible as a basis. This development has been copied in various foreign countries and has proved particularly successful in England.

John S. Noffsinger

See: Education; Adult Education; Religious Education; Revivals, Religious; Rural Society; Fairs; Libraries; Museums and Exhibitions; Correspondence Schools; Automobile; Radio; Motion Pictures.

Consult: Hurlbut, J. L., *The Story of Chautauqua* (New York 1921); Bliven, B., "Mother, Home and Heaven" in the *New Republic*, vol. xxxvii (1923–24) 172–75; Pearson, P. M., "The Chautauqua Movement" in American Academy of Political and Social Sciences, *Annals*, vol. xl (1912) 211–16; Vincent, J. H., "Chautauqua—A Popular University" in *Contemporary Review*, vol. li (1887) 725–35; Thompson, C. D., "Is the Chautauqua a Free Platform?" in the *New Republic*, vol. xli (1924–25) 86–88.

CHAUVINISM is the excited demand for the limitless and violent expansion of the state. The term came into circulation in France where it referred to a much wounded follower of Napoleon, whose idolatrous admiration for the emperor served as the prototype of all blind enthusiasm for national military glory. In England more frequent use has been made of the term "jingoism" which, derived probably from the "by Jingo!" of a popular song, came into currency in 1877 in a wave of frenzy against Russia. The phenomenon common to both terms was sufficiently manifest in early political systems, but it has become peculiarly conspicuous in the conflicts among modern nation states, where huge populations are sentimentally bound to the fortunes of their political unit. In this context it is an inflammable blend of patriotism, nationalism, imperialism and militarism and reaches its height during the critical days of an international crisis.

Since chauvinism is a crowd phenomenon in the technical sense of the term it belongs to the sphere of collective behavior where reflection is at a minimum and where the emotional processes are rampant. Indeed, political life in general derives its vitality from the displacement of private motives upon public symbols, and this process is particularly prominent in the war crisis. When the community is confronted by threats and provocations there is a concurrent regression among the individual members toward powerful primitive impulses. Chauvinistic boasts, threats, exhortations and adulations are part of the process by which the aroused impulses of the community become concentrated around and displaced upon the symbol of the state and the courses of action presumed to be essential. The heightened tension level of the community is thus given some measure of coherent organization. Chauvinism extends the individual self to a national field of action and facilitates the mobilization of the community for instant attack and defense.

The particular motives which interplay in chauvinism are exposed especially in the course of the intensive scrutiny of the individual by psychopathological methods. Hate, love, self-punishment and a host of nuanced motives are brought into action. Chauvinistic sentiment abounds in the use of intangible symbols like "national honor," and every channel of communication adds to the reverberation produced by every demonstration of excitement. The heightening of the tension continues until, in the overt instance, there occurs that plunge into action which is followed by the "peacefulness of being at war."

Harold D. Lasswell

See: Patriotism; Nationalism; Militarism; Imperialism; Propaganda; Agitation; Collective Behavior.

Consult: Stratton, G. M., *Social Psychology of International Conduct* (New York 1929); Scott, J. F., *Five Weeks* (New York 1927); Hobson, J. A., *The Psychology of Jingoism* (London 1901); Lasswell, H. D., *Propaganda Technique in the World War* (London 1927).

CHAVCHAVADZE, ILIA (1837–1907), Georgian publicist and poet. In 1863 he founded the *Sakartvelos Moambe* (Narrator of Georgia), which represented the populist-realistic school in literature and western liberalism in politics. Later he established and edited the newspaper *Iveria* (1877) in which for thirty years he discussed in a humane and liberal spirit the current social and political problems of Georgia.

At the outset of his public career Chavchavadze associated himself with the movement for the abolition of serfdom. In the press and in separately printed novels and poems he pointed to the danger of the widening gulf between the landowning nobility and the peasant serfs, deploring the deadening influence of serfdom. With the emancipation of the peasants he became a judicial mediator between peasants and landowners (1864–68) and later judge of one of the lower courts (1868–74). At this time he advocated reestablishment of the "broken bridge," that is, the collaboration of the classes. From the Russian government he demanded the introduction of local self-government (*zemstvo*) adapted to the customs and usages of Georgia.

Chavchavadze is no less important as a literary figure and folklorist. He carried on a successful struggle against the conventional themes, style and vocabulary of the romantic period. Most of his novels and poems dealt realistically with social problems and were written in a language close to the living Georgian tongue. In his periodical publications he printed many local ballads, songs and customs found and transcribed by him and his followers. The champion of a political and cultural national renaissance and of liberal agrarian reforms, Chavchavadze came to be regarded as the "prophet" of his people.

V. Nosadzé

Consult: A series of articles in Russian in *Etnograficheskoe Obozrenie*, vol. xx (1908) no. 1–2.

CHAYKOVSKY, NIKOLAY VASSILIEVICH (1850–1926), Russian populist socialist. As a student in the University of St. Petersburg he helped to organize an informal association of young people, "the Chaykovsky circle," which subsequently played an important part in the revolutionary movement. Its members were humanitarian socialists and at first confined their activity to peaceful propaganda. When under pressure of government persecution the association became increasingly violent in its methods, Chaykovsky parted from his former friends and joined Malikov, who preached the religion of "God in man," true regeneration through the development of man's godlike traits. In 1875 Chaykovsky led a group of followers in the establishment of an agricultural communistic settlement in Kansas. The experiment lasted only two years. Chaykovsky returned to Europe and in 1880 settled in London, where he acquired a considerable reputation in English and Russian circles. He renewed his interest in the revolutionary movement, helped to win for it the sympathy of foreign public opinion, collected funds for the relief of political prisoners and assisted in the work of an organization which published a non-party revolutionary newspaper distributed in Russia. For a time Chaykovsky shared the views of the anarchist Kropotkin but later he became a member of the London group of the Russian Socialist Revolutionary party.

In 1907 Chaykovsky reentered Russia under an assumed name, was arrested and tried on a charge of revolutionary conspiracy, but was acquitted for lack of evidence. He remained in Russia and devoted his entire energy to the cooperative movement. A few years before the outbreak of the 1917 revolution he took a hand in politics and became prominently associated with the Laborite group and later the Laborite People's Socialist party. With the advent of the Bolsheviks he joined the anti-Soviet group, the Union for the Regeneration of Russia, and in the autumn of 1918 went to Archangelsk to lend the prestige of his name to the counter-Bolshevik movement in the north. He became the head of the provisional government of the northern region, and in 1919 went to Paris to solicit more active aid from the Entente powers. In 1920, still convinced of the possibility of saving the White forces in the south, he went to Ekaterinodar, offering his assistance to General Denikin in the reorganization of his government. Chaykovsky died in Paris, a few months after his seventy-fifth birthday had been publicly celebrated.

V. Miakotin

Consult: *N. V. Chaykovsky*, ed. by A. A. Titov, 2 vols. (Paris 1929), in Russian.

CHECK. The check (English usage, cheque) comes within the general class of bills of exchange and is defined by the Negotiable Instruments Law as a "bill of exchange drawn on a bank payable on demand." According to the definition as expanded through legal interpretation a check is an unconditional order in writing addressed by a person (the drawer) to a bank, signed by the drawer, requiring the bank to which it is addressed to pay a sum certain in money on demand to a person named or to his order or to bearer.

The check is distinguished from other bills of exchange primarily in that it is drawn on a bank and purportedly against a deposit. It does not serve as an assignment of the deposit, however, and the bank's unqualified liability for immediate payment in legal tender money is to the drawer, not to the holder. Some of the states of the United States have provided that banks may pay checks by means of drafts or reserve deposits unless the drawer specifies otherwise. Only certification, a distinctively American procedure not widely used now, can transfer the bank's contract from the depositor to the holder of the check. Legally, however, the check is an implied promise to pay on the part of the drawer and the bank is required to honor it if properly drawn and presented and if covered by a deposit. Upon this attribute and upon its consequent ability to replace paper money, over which it has the advantage of greater safety, convenience and accounting utility, the rapid development of the use of "deposit currency" in modern times is based.

Although checks were probably used in Palermo, Italy, as early as 1416 A.D. and in England in the latter part of the seventeenth century their elevation to first rank as a medium of exchange in commercially advanced nations came in the course of the nineteenth century. The development proceeded irregularly in different countries as a result of differences in banking facilities and service, density of population, general education and intelligence of the people and the attitude of the government as evidenced in its fiscal policy and legal code. Confidence in its safety and certainty, essential to the spread of the use of the check, has been increased by devices such as limited or "zur Verrechnung" endorsement or crossing, which, however, restrict negotiability, and by special penal codes aimed at preventing check frauds. Stamp taxes in general retard the development, although England, which with the United States is the leader in the use of checks, maintains such a tax. It is estimated that checks effect probably 90 percent of the transactions in these two countries. They are also important factors in Canada and Germany. In the last named country, however, as in Holland and Switzerland, the function of the check is partially performed by a well organized *Giro* system under which sums of money are transferred from account to account by non-negotiable orders. In France, despite governmental encouragement, the check remains of minor, if increasing, importance. In nearly all other countries its use is negligible.

WALTER E. SPAHR

See: NEGOTIABLE INSTRUMENTS; BANKING, COMMERCIAL; CLEARING HOUSES; CURRENCY.

Consult: Conant, C. A., "Development of the Check" in *Bankers' Magazine*, vol. lxxxiii (1911) 580–85; Kinley, David, *The Use of Credit Instruments in Payments in the United States*, United States, 61st Cong., 2nd Sess., Senate Document no. 399 (1910); Spahr, W. E., *The Clearing and Collection of Checks* (New York 1926); Hannaford, C. F., *Cheques* (London 1923); Constantinoff, P., *La chèque et son rôle économique* (Dijon 1928); Brady, John E., *The Law of Bank Checks* (2nd ed. New York 1926); *The Negotiable Instruments Law Annotated*, ed. by J. D. Brannan (4th ed. Cincinnati 1926).

CHECKS AND BALANCES. The advantage of "checks and balances" between different organs of government was first emphasized in the theory of so-called "mixed government" elaborated by Polybius (*Histories* VI, 3–10) and revived by Machiavelli (*Discorsi . . . sopra la prima decade de Tito Livio*). According to this theory a government of any of the "pure" types —monarchy, aristocracy or democracy—must inevitably degenerate into the perverted form of that type: monarchy into despotism, aristocracy into oligarchy, democracy into mob rule. To avoid such perversion the government must at the outset be given a "mixed" form, that is, it must include organs belonging to each of the simple types. The aristocratic and democratic organs will then check the degeneration of the monarchical organ, the monarchical and democratic organs will prevent the aristocratic organ from becoming oligarchic and the aristocratic and monarchical organs will supply a guaranty against mob rule. In this form the theory was essentially one of balance between the two principal social classes, with a monarchical element to mediate between them. It was accepted in essentials by Calvin (*Institutes of the Christian Religion*, bk. iv, ch. xx, par. 8) and inherited by the leaders of early Massachusetts. In the eighteenth century it was revived and elaborated by John Adams.

During the religious wars in France and the contest between crown and Parliament in seventeenth century England new use was found for a doctrine of checks and balances. The political philosophy of the Middle Ages held that the king was bound by "fundamental" law. It had been pointed out by Buchanan that if the king was free, as the absolutists contended, to make his own interpretations of this law it could supply no effective limitation on his power. It was therefore argued that a special organ of government was necessary to enforce fundamental law against the king or to share with him the power of interpreting it. Such an organ was seen by Calvin, Buchanan and the French Huguenot writers in the representative assemblies, or estates of the realm. Royal power so limited came in England to be called "mixed monarchy," of which the essential feature was that the power of the crown was checked and balanced by Parliament. This view culminated in the theory of Locke. Locke's starting point is still the opposition between a king, claiming to be absolute, and the representatives of the people, but in his generalized statement of the problem the opposition comes to be one between legislative and executive powers. This notion of a balance between different departments of government rather than between particular historical institutions or social classes was elaborated by Montesquieu, from whom it passed to the framers of the American constitutions. Montesquieu's concern was to discover an organization of government which would be most favorable to the security of the individual. This he thought could best be attained under a constitutional system which subdivided and distributed governmental powers among a number of different organs so checked and balanced against one another that an attempt by any one of them against individual rights would fail through want of the necessary cooperation by the others.

The popularity in the American colonies of the doctrine of checks and balances resulted in part from colonial experience. The advantage which accrued to colonial legislatures from their power of withholding the salary of royal governors illustrated the value of a legislative check on the executive. At the close of the Revolutionary War the distrust of legislative power engendered by radical legislation led to a desire for both an executive and a judicial check on the legislature. The philosophy of checks and balances is stated by Madison in *The Federalist*. His argument is that, power being "of an encroaching nature," different organs of government can be kept within their constitutional limits only if checks against them are placed in the hands of rival organs. To the argument that such an arrangement violates the principle of separation of powers Madison answered that that principle requires no more than that the whole power of one department of government must not be "exercised by the same hands which possess the whole power of another department."

In the federal constitution John Adams was able to detect eight different sets of checks and balances (letter to John Taylor in *The Works of John Adams*, vol. vi, p. 467–68). Some of these have proved ineffective. Only those have been operative which provide that neither of two governmental organs deriving from independent sources can complete a legally valid result without the concurrence of the other. The possibility of a deadlock in such instances has often been realized, most frequently perhaps in the relations between the president and Senate concerning treaties and appointments. Deadlocks have also occasionally arisen between the two houses and between the president and Congress in matters of legislation.

The system of checks and balances has been adopted in American state and local, as well as national, government, and the philosophy underlying it has become part of the political creed accepted without question by most Americans. Recent American students of political science have, however, questioned whether government by checks and balances leaves final power in the hands of the people. It has been pointed out that "the actual operation of these checks and balances . . . has resulted in irritation and bickering between the departments. . . . The executive is the most conspicuous single official. He is elected upon a platform of pledges for legislation. He seeks to redeem those pledges by promoting the introduction of bills and pushing them through the legislature. The legislature feels hostile toward the executive for attempting to coerce its action. The executive loses patience with the legislature for not redeeming the pledges of the executive to the electorate. . . The result is that each of the departments of government fails to work in harmony with the others. Each tends to retire to its own constitutional sphere and there spend considerable time in doing what it pleases, regardless of the other departments, and from time to time blocking and hampering them. In this way the least progress is made with the important business of legislation and the functioning of the executive and the judicial departments" (Kales, p. 10–12). At the same time "in consequence of the division of political power into so many small fragments, the ordinary citizen does not take interest enough in any one of them, and leaves the control of public affairs too exclusively in the hands of the professional politicians" (Lowell, p. 58).

The theory of checks and balances proceeds on the assumption inherited from a period of absolute government that the welfare of the people is best promoted if government is hindered from functioning and friction generated among its parts. Such a theory assumes that government is fundamentally an evil and that the most important thing is to keep it out of mischief, even at the cost of rendering it expensive and ineffective. The opposite view—that government is a beneficial agency of social order, whose paralysis is a public misfortune—has led to indictments of the theory of checks and balances like that voiced by Woodrow Wilson: "The trouble with the theory is that government is not a machine, but a living thing. . . . No living thing can have its organs offset against each other as checks, and live. On the contrary, its life is dependent upon their coöperation, their ready response to the commands of instinct or intelligence, their amicable community of purpose. . . . There can be no successful government . . . without the intimate, almost instructive, coördination of the organs of life and action" (p. 56–57). Such criticism has not, however, led to any important practical effort to remedy the disadvantages resulting from the system of checks and balances, except in the field of municipal government, where efficiency and centralization of responsibility have been sought through the city manager plan.

John Dickinson

See: State; Natural Law; Separation of Powers; Constitutions; Government; Executive; Legislation; Judiciary; Administration, Public; Bureaucracy; Delegation of Powers; Judicial Review; Power, Political; Parties, Political.

Consult: Montesquieu, C. L. de S., *De l'esprit des lois*

(2nd ed. by Paul Janet, Paris 1892), tr. by T. Nugent, rev. by J. V. Prichard (New York 1900) bk. xi, ch. vi; Mellis, Paul de, *Le principe de la séparation des pouvoirs d'après l'abbé de Mably* (Toulouse 1907); Walsh, C. M., *The Political Science of John Adams* (London 1915) p. 37–73; *The Federalist*, 2 vols. (New York 1788) nos. 46–47; Lowell, A. L., *Essays on Government* (Boston 1889); Wilson, W., *Constitutional Government in the United States* (New York 1908); Kales, A. M., *Unpopular Government in the United States* (Chicago 1914).

CHEKA. *See* POLITICAL POLICE.

CHEMICAL INDUSTRIES. This term covers a varied group of industries, each impossible of exact definition and delimitation but significant as outstanding witnesses to the scope of the chemical phase of the industrial revolution. From the laboratory of the modern chemist has emerged a steady and increasing stream of new products and new methods of manufacture. Some have resulted in minute changes in old processes; some have created entire new industries and transformed or destroyed old ones; to an even greater extent chemical processes have penetrated into corner after corner of the industrial organization, bringing with them new standards and new methods of industrial and economic control. Over an increasing area the research laboratory has become the nerve center of production, the creator and critic of methods, products and policies, an indispensable intelligence service and commercial board of strategy.

The area of industrial enterprise thus affected by the chemical revolution is constantly growing. Hence a wide divergence of opinion and an enormous variation in usage exist as to the specific industries which are properly called chemical industries. Economists and other laymen uninformed on chemical matters are likely to be rather skeptical of the wide scope which the chemical technologist is wont to claim for the group. They would undoubtedly think of the old gunpowder industry as a chemical industry and scoff at the idea that the manufacture of glass or paper has a worthier claim to the title, even though the mixing of the ingredients in the powder industry involves no chemical interaction whatsoever while the making of glass and paper is a chemical operation in almost every detail. The term chemical industries has become too inclusive to be useful, simply because chemical technique and control are sweeping now suddenly, now gradually, but always progressively through industrial practise.

There is, however, considerable illustrative value in a brief survey of the types of industry in which chemical operations are of dominant importance, those which use chiefly chemical engineering processes under the direction of trained chemists. The list will of course vary from period to period and country to country. For the United States at the present time it would certainly include the following major groups: metallurgical industries, iron smelting and the extraction of the non-ferrous, noble and rarer metals from their ores; fuel industries, the production of coke, artificial gas and charcoal, wood distillation, petroleum refining; heavy chemical industries, the manufacture of acids, alkalies, salts, fertilizers, electro-chemical products, cleansing and scouring materials; other inorganic chemical industries making glasses and enamels, ceramics, abrasives, refractories, lime, sand-lime brick, cement, industrial gases, printing and writing inks, matches; organic chemical industries including the manufacture of intermediates and dyes, explosives, perfumes, medicines and drugs, photographic materials, oils, fats, waxes, sugars and starches, accelerators and other chemicals for use in industrial processes, various alcohols and other solvents, paper, artificial silks such as rayon, oilcloth, linoleum, artificial leather, synthetic plastics, tanning materials, rosin and turpentine; and finally the colloid chemical industries producing glue and gelatin, gums and resins, paints and varnishes, tanned leather and rubber. In addition one might enumerate, but less easily classify, an even larger number of important chemical processes. It is clear that few significant generalizations can be made about the economic structure of such a heterogeneous group of manufactures, for each will have its specific history and problems. The effects of this increasing dominance of chemical processes in our industrial system can, however, be analyzed, and the study should throw considerable light on the nature of the modern industrial mechanisms.

The major part of this development has occurred since 1880; before that time chemical industries were largely extractive in character and their problems relatively simple. The subsequent growth has been rapid and world wide. Throughout the first three quarters of the nineteenth century the English alkali industry was the largest chemical industry in the world; then beginning about 1865 German chemical developments became of increasing importance, especially through the rapid expansion and organization of the dyestuffs and potash industries. In the United States the Eastman Kodak, the Aluminum and the Standard Oil companies came to the fore as representatives of this new revolution. Certain indicia of the rapidity of this development are available. Since all chemical agents or tools are either acids or alkalies the volume of production of such fundamental chemicals as sulphuric acid and soda ash furnishes a very good indication of the rate of adoption of chemical processing in industry. The figures are striking. In the United States, for example, the production of sulphuric acid, although begun as early as 1793 at the Harrison works in Philadelphia, had grown by 1875 to only 150,000 tons (50° Bé basis). But thereafter it trebled every ten years, amounting to more than 4,000,000 tons in 1914 and almost 7,500,000 tons in 1927. Similarly, before 1880 there was virtually no soda industry at all in the United States, the value of all soda products of domestic manufacture being less than $700,000 and of imports about $6,000,000. In 1927 over $110,000,000 worth of soda products was consumed.

The origin of this new chemical knowledge and the methods of its application to industry furnish an outstanding example of the close relationship between modern science and modern economic organization. Individual chemical industries, sometimes successively but more often simultaneously, present three phases of development: the extractive, the synthetic and the creative. Whenever a chemical want is felt, man first tries to find a means of satisfaction directly appropriable in the natural universe about him. If he does not succeed sufficiently in that search he imitates the natural process, and ultimately, if further pressed, he creates a wholly new article. More frequently, however, these phases are all present at the same time or occur in no particular sequence. The chemists, pursuing strictly scientific ends, experiment with, and catalogue, the properties of every conceivable kind of substance. A relatively minor chemical invention has often helped to bring about economic phenomena of major importance. Thus the cyanide processes for the extraction of gold from its ores, invented in the early nineties, probably increased the available supply of the monetary metal more than had the discovery of any gold field.

The synthetic triumphs of the chemist have been most spectacular of all. Leblanc's production of artificial soda from salt; German and English rivalry to be the first to substitute coal tar for madder as a source of alizarin; Bayer's success, after twenty years of research, in making the coal mines of Germany replace millions of acres of agricultural land in India as the source of indigo; Haber's process for capturing atmospheric nitrogen to make synthetic ammonia, invented just in time to render a belligerent Germany independent of Chilean saltpeter for her explosives and fertilizers—these are familiar stories.

The connection between each discovery and the advances of science is more often overlooked: such facts as that Leblanc was a pupil of Lavoisier, that Graebe was an assistant in the laboratory of Bayer or, similarly, that Perkins was an assistant of Hoffman and was bent on solving another scientific problem when he discovered the first coal tar dye, mauve, in 1856. For the most part it has not been the commercial and industrial but the university and scientific laboratories that have revealed new modes of synthesis. On the other hand, most of the discoveries of university research are in themselves of little use to industry. Many of them can never be commercially developed; many must wait years for utilization.

The increasing penetration of chemical processes into industry has forced the industrialist to seek for some less haphazard and more predictable method of utilizing the results of scientific discovery. Through the multiplication of industrial research laboratories he can in some measure direct the course of experimentation or at least be prepared to take immediate advantage of every new increase in knowledge. So we have the phenomenon of the highly organized, fully equipped chemical laboratory with its staff of young and eminent scientists taking its place as part of the business structure.

This introduction of the laboratory into the industrial system effects far more than an alliance of industry with science. It is one of the most important means by which the expert, the engineer, the technician, is coming to share a position of control in modern society. The lure of profits may suggest the ends and the goals of applied research, but the chemist points out the boundaries of the path to be followed.

The reach of this control is immeasurably greater than the scope of the authority of any one technician or group of technicians, whose actual influence may be very limited. For the very nature of the processes forces upon business and industry certain new characteristics. Specification and standardization of processes successively call for, and are enforced by, the increasing penetration of chemical methods. Standardization paves the way for large scale production, the result also of several other features of all chemical industries. Most chemical operations must be carried on more or less continuously over long periods of time; hence the chemical industry is typically a continuous industry, and the problems of management involved lead frequently to large production units. Another important factor contributing to the many financial consolidations is the problem of patent relationships. Where combination has not proved feasible a degree of common action has been achieved through the establishment of research institutes working for a whole industry.

Chemical industries are, moreover, typically joint cost industries; frequently they develop through attempts to utilize by-products; always they involve problems of waste and possible salvage. There has been throughout a marked tendency toward both a vertical and a horizontal integration. In Germany the I. G. Farbenindustrie, in England the Imperial Chemical Industries, Ltd., in Italy the Montecatini Società per l'Industria Mineraria e Agricola, even before the war controlled the major portion of the output of heavy and organic chemical products of their respective countries. In the United States such companies as E. I. du Pont de Nemours, Inc., unite the production of an amazing range of chemical products. Since the war the tendency to cartellization and the use of licensing agreements has been accelerated by the economic dismemberment of Europe and the multiplying of tariff boundaries.

The chemical industries as a group, diverse as they are, thus present certain common problems of control. Other industries are more completely monopolistic, but in none are the potentialities of monopoly control greater. Not only does the growth of munitions industries and of all the other chemical industries which can now be so easily turned to the production of munitions augment the danger of new wars ever more horrible; the very complication of chemical processes makes a breakdown of the whole industrial system more likely and more catastrophic. The interpenetration of chemical processes in all industry is cumulative in its effect, and the more closely the business system becomes geared to such a series of products and methods, the more far spreading are the effects of crisis or expansion. This is something more than the complication of the business system. Fantastic as the picture of a single engineer bringing destruction to the whole of a city such as New York may be, it is true that the chemical engineer possesses a knowledge of unrealized and unknown power for good or ill. Many of the potentialities for good cluster about the fact that chemistry has created a new check on the workings of industry. Chemical methods may be complicated, they are always exact; here lies the possibility of a degree of public regulation of quality of product never before achieved. Only the first steps in such regulation have been taken and their extension involves an increasing complication of the social machinery. To harness, before it runs amuck, the power immanent and imminent in this new chemical knowledge is one of the major tasks of modern social statecraft.

THEODORE J. KREPS

See: MUNITIONS INDUSTRIES; DYES; MEDICAL MATERIALS INDUSTRIES; IRON AND STEEL INDUSTRY; POTASH; NITRATES; FERTILIZER INDUSTRY; INDUSTRIAL ALCOHOL; OIL; RUBBER; HEAVY CHEMICALS; INDUSTRIALISM; STANDARDIZATION; COMBINATIONS, INDUSTRIAL; CARTEL; RATIONALIZATION; CONTINUOUS INDUSTRY; INDUSTRIAL HAZARDS; GOVERNMENT REGULATION OF INDUSTRY; WARFARE; SCIENCE; EXPERT; ENGINEERING; ECONOMIC ORGANIZATION.

Consult: League of Nations, International Economic Conference, *The Chemical Industry*, C.E.I. 10 (Geneva 1927); Schultze, E. P. S. H., *Die Entwicklung der chemischen Industrie in Deutschland seit dem Jahre 1875* (Halle 1907); Marcus, Alfred, *Die grossen Chemiekonzerne* (Leipsic 1929); Ungewitter, Claus, *Ausgewählte Kapitel aus der chemisch-industriellen Wirtschaftspolitik 1877–1927* (Berlin 1927); Löffl, V. K., *Die chemische Industrie Frankreichs* (Stuttgart 1917); Baud, P., *Les industries chimiques régionales de la France* (Paris 1920); Duisberg, Curt, *Die Arbeiterschaft der chemischen Grossindustrie* (Berlin 1921); Matagrin, A., *L'industrie des produits chimiques et ses travailleurs* (Paris 1925); Hanslian, Rudolf, *Der chemische Krieg* (2nd ed. Berlin 1927); Slosson, E. E., *Creative Chemistry* (New York 1919); Arrhenius, S. A., *Chemistry in Modern Life*, tr. from the Norwegian and rev. by C. S. Leonard (New York 1925); *Chemistry in Industry*, ed. by Harrison E. Howe, 2 vols. (New York 1924–25). Consult also bibliographies of related articles.

CHEMICAL WARFARE. *See* WARFARE.

CHENG CH'IAO (Yü-chung) (1104–62), Chinese scholar. Although one of the most critical of Chinese historians his importance to native scholarship has only recently been recognized, the eighteenth century historian Chang Hsüeh-ch'eng being the first modern writer to indicate his true significance. Living in an age devoted to philosophic speculation Cheng Ch'iao advocated a return to factual scholarship. Recently discovered biographies in gazetteers of Fukien province throw new light on the scope and method of his investigations. Unfortunately only a fragment of his works has survived, of which the *T'ung Chih*, (General history), completed in 1161, is an example. In this work he expounded his idea of the scope of historical research. It should embrace the study of language, population, geography, the sciences, arts and social institutions. He insisted upon the continuity of history as opposed to the contemporary dynastic histories. The section dealing with the history of social institutions approaches in method of treatment the work of modern historians.

Cheng Ch'iao believed that knowledge should be gained by personal experience wherever possible and proposed that the natural sciences should be studied by means of actual specimens or, lacking these, by charts and illustrated drawings. He was the first Chinese to emphasize the importance of specialization in the sciences and the need for organization and classification of materials. These aims he also carried over into his study of ancient literature. In advocating the study of the *Odes* primarily in terms of their ancient rhythm and social and historical background Cheng Ch'iao injected a new principle into Chinese historical criticism which was not, however, fully carried out until the seventeenth century. He pointed out the late authorship of the preface to the *Odes* and of the inscriptions on the famous Stone Drums, attributing the latter to the third instead of the ninth century B.C.

ARTHUR W. HUMMEL

Consult: Chang Hsin-Hai, "Some Types of Chinese Historical Thought" in *Chinese Social and Political Review*, vol. xiii (1929) 321–40.

CHÉNON, ÉMILE (1857–1927), French jurist and historian. For over forty years Chénon taught the history of French law, exercising a profound influence on French jurists. He was a convinced Catholic and his religious inclinations determined the range of his work. A mediaevalist attracted particularly to the thirteenth century, he was led to innumerable archaeological and antiquarian investigations into local history. He studied especially the history of institutions in his native province, Berry, as in *Histoire de Sainte Sévère-en-Berry* (Paris 1888–89), *Les jours de Berry au parlement de Paris de 1255 à 1328* (Paris 1921) and *Histoire de la paroisse de Vic-sur-Aubois et du prieuré de Bois l'Abbé en Bas-Berry* (Paris 1922). His studies of provincial history, which were both searching and extensive, illuminated the national development of French institutions; this is especially true of his clarification of the old French customary laws which are of particular importance in French jurisprudence. Indeed, Chénon regretted the influence of the Roman law in France. His greatest work, which he did not live to complete, was the projected general history of French law, *Histoire générale du droit français public et privé, des origines à 1815* (vol. i, Paris 1926; pt. i of vol. ii ed. by Olivier-Martin, Paris 1929).

Chénon participated directly in the religious life of France and from 1902 to 1905, before its condemnation by Rome, was active in the democratic movement called the Sillon (furrow). Of the numerous works in which he expressed his religious ideas the most significant is *Le rôle social de l'église* (Paris 1921).

OLIVIER-MARTIN

CHERBULIEZ, ANTOINE ÉLISÉE (1797–1869), Swiss economist and political scientist. He was born in Geneva, where his family had settled after their emigration from France following the revocation of the Edict of Nantes. Cherbuliez was at first a lawyer and attracted some attention as author of the *Dissertation sur les causes naturelles du droit positif* (Geneva 1826). In 1831 he became a judge of the Civil Tribunal and four years later succeeded Rossi as professor of public law and political economy at the University of Geneva. He was elected a member of the Constituent Assembly and later of the Grand Council but after the fall of the Conservative Republican party in 1848 resigned all his offices and moved to Paris. Although he became a naturalized French citizen in 1850 he returned to Switzerland three years later as professor of political economy at the University of Lausanne and filled the corresponding chair at the University of Zurich from 1855 to 1869.

Cherbuliez was one of the most illustrious classical economists writing in the French language. The monumental exposition of his economic theories is the *Précis de la science économique*. Although the work was well written and more easily understood than that of John Stuart Mill it was not widely read and had little effect upon the course of French thought. Cherbuliez wrote voluminously for the *Bibliothèque universelle*, *Journal des économistes* and *Dictionnaire d'économie politique*. His contributions cover money and banking, transportation, socialism, charity, theory of the entrepreneur, taxation, economic history and the history of economic thought.

Cherbuliez always remained an obdurate conservative and an irreconcilable opponent of mob rule, which he fought energetically in his native country and in France after the Revolution of 1848. In spite of his adherence to the school of thought which favored reduction of state activities to the minimum and in spite of his single tax doctrines Cherbuliez defended inheritance and private property, not on theoretical grounds but because he considered their advantages much superior to their disadvantages.

LOUIS VIGOUROUX

Important works: *Précis de la science économique et de ses principales applications*, 2 vols. (Paris 1862); *Riche ou pauvre* (Paris 1840, 2nd ed. Paris 1841); *Le socialisme c'est la barbarie* (Paris 1848); *De la démocratie en Suisse*, 2 vols. (Paris 1843).

CHERBURY, LORD HERBERT OF. *See* HERBERT, EDWARD.

CHERKASSKY, VLADIMIR ALEKSANDROVICH, PRINCE (1824–78), Russian statesman. He studied law at the University of Moscow and at an early age became interested in the problem of peasant emancipation. In 1847 he organized an informal group of his neighbors, the landed gentry of the province of Tula, to work out a program for the liberation of the peasants by the individual landlords, but the following year an order from the czar put an end to the activity of the group. Later in Moscow he became intimate with the Slavophiles, with whom he shared the view that the liberated peasants should be granted adequate land holdings, but against whom he urged the merits of individual rather than communal ownership of land. When the government of Alexander II began to prepare for peasant emancipation, Cherkassky submitted a number of lengthy memoranda on the subject. In the Tula official committee for the study of emancipation proposals he led in the attack on the conservative majority, which desired to restrict the scope of the reform and to reduce land grants to insignificant proportions. In 1859 he was appointed to the drafting board of the central commission charged with the analysis of suggestions made by the provincial committees and with preparation of the final draft of emancipation legislation. In this office he, together with Milutin and Samavin, advocated an increase in the peasant land allotments and the provision of credit aid by the government to facilitate payments by the peasants. Cherkassky prepared for the commission the more important reports on the size and composition of peasant allotments and on rural self-government. Upon the promulgation of the reform laws in 1861 he served as the official mediator between peasants and nobles in his home district. During the Polish insurrection of 1863, when the government began the emancipation of peasants in Poland, Milutin was put in charge of the reform and secured the assistance of Cherkassky. Due to their combined efforts the reform in Poland was more liberal than in central Russia; the peasants received their land free from charges in favor of former owners.

In 1870 Cherkassky, as mayor of Moscow, was responsible for a municipal petition to Alexander II, urging a continuation of the liberal reforms, and was forced to resign when the petition was rejected. During the Russo-Turkish War of 1877 he was appointed head of the civil administration of liberated Bulgaria and was instrumental in instituting there a system of relatively democratic and autonomous local government.

A. A. KIESEWETTER

Consult: Trubetskaya, O., *Kn. V. A. Cherkassky i ego uchastie v razreshenii krestianskago voprosa* (Prince Cherkassky and his part in the solution of the peasant problem), 2 pts. (Moscow 1901–04); Furst, W. A., "Tscherkasski, der Reorganisator Polens und Bulgariens" in *Deutsche Rundschau*, vol. xv (1878) 253–68 and 440–54.

CHERNYSHEVSKY, NIKOLAY GAVRILOVICH (1828–89), Russian publicist. Chernyshevsky, whose father was a clergyman, attended the theological seminary of his native Saratov and later entered the University of St. Petersburg, from the historico-philological faculty of which he graduated in 1850. He taught Russian literature for the next three years at the secondary school in Saratov and for several months at the Second Cadet School in St. Petersburg. Wishing to obtain a university appointment he defended in 1855 a thesis on "the aesthetic relations between art and life," which was welcomed as the manifesto of "publicistic literary criticism" championed earlier by Belinsky. Following Feuerbach, Chernyshevsky identified the beautiful and the real, distinguishing beauty from mere perfection of form; he declared that art is a representation, explanation and evaluation of life and severely condemned the theory of "art for art's sake." Although he passed the examinations with distinction, he failed to receive the degree or the appointment because his views appeared blasphemous and revolutionary to the minister of education.

After 1853 Chernyshevsky was on the staff of the foremost radical monthly, *Sovremennik* (The contemporary), edited by the poet Nekrasov. He had early exhibited an unusual clarity and independence of thought and an extraordinary aptitude for languages; to these qualities he now added an amazing capacity for work. Each issue of the *Sovremennik* carried over fifty pages of his original contributions; among them were important monographs on Lessing and his age and on the Gogol period of Russian literature as well as many shorter pieces of literary criticism, characterized by a profound, sometimes prophetic, insight. At the close of the year 1857 he turned over the literary editorship to young Dobrolubov, in whom he detected great critical acumen, and devoted himself to economic and political problems, becoming the outstanding leader of the radical intelligentsia.

Although he was influenced by the rational socialism of the French utopians, particularly Fourier, and by the utilitarian ethics he remained an independent and original thinker. He recognized the importance of economic factors and of social stratification and anticipated Karl Marx on several important points. In the extensive additions to his translation of J. S. Mill's *Principles of Political Economy* and in other works he contributed original discussions of the social value of large scale production and division of labor, of the effects of technical progress, of the antagonisms between land, capital and labor and their effect on production, of concentration of wealth and proletarianization of the masses, of the Malthusian law of population in different economic systems. He envisaged the desirable economic order somewhat in the spirit of Proudhon and Louis Blanc as a system of voluntary associations of producers assisted by the government. In several articles on peasant emancipation he advocated the preservation of the village community as a bulwark against "the scourge of proletarianism"; to this extent he was the father of Russian populism. He refuted many of the stock objections to communal land holding which were brought forward much later, but he never shared the Slavophile delusion that the village community was an indigenous institution peculiar to the Slavs. In an article on the "anthropological principle in philosophy" he championed the naturalistic materialism of Feuerbach and Büchner as the only philosophy compatible with socialist humanitarian sympathies.

Chernyshevsky exerted an impressive influence, and thus with the beginning of the reactionary period in 1862 he was subjected to a series of unusually severe government persecutions which were based on trumped up charges. After being imprisoned for two years in a fortress he served a sentence of seven years of hard labor and for twelve more years lived in exile in the far north of Siberia. In the fortress he wrote a novel *Chto delat?* (*What Is to Be Done?*; translated into many European languages, English translations New York 1886 and Boston 1886) which inspired two generations of Russian youth. Devoid of literary merit but imbued with the spirit of noble humanitarianism, this half utopian novel preached an idealized version of utilitarianism and the establishment of producers' cooperatives. Much later Chernyshevsky published an article on "the theory of the beneficial effects of the struggle for existence," in which he castigated social Darwinism as a piece of bourgeois apologetics. At the end of his life he translated twelve volumes of Weber's universal history and appended to them independent essays on historical and related subjects. Despite the fact that for a long time after his imprisonment the censorship forbade even the mention of his name, his reputation in Russia remains undiminished even to the present day.

I. V. Dioneo-Shklovsky

Works: A ten-volume collection was edited by his son (St. Petersburg 1906). Since 1917 a number of hitherto unpublished writings appeared in scattered publications in Russia; the most important of them is the diary for 1848–53 (Moscow 1928). The more important translations of Chernyshevsky's works are: *L'économie politique jugée par la science*, tr. by A. Tvertinov and C. de Paepe (Brussels 1874); *Osservazioni critiche su talune dottrine di G. Stuart Mill* (*Lavoro e capitale considerati come elementi della produzione*), Biblioteca dell' economista, 3rd ser., vol. ix, pt. i (Turin 1886); *La possession communale du sol*, tr. with a biographical notice by E. Laran-Tamarkine (Paris 1903); *Lettres sans adresse* (*sur l'abolition du servage en Russie*) (Liége 1874).

Consult: Plekhanov, G. V., *N. G. Tschernischewsky* (Stuttgart 1894); Steklov, Yu., *N. Tschernyschewsky: ein Lebensbild* (Stuttgart 1913). A bibliography of Russian works about Chernyshevsky is available in the Granat encyclopaedia, vol. xlv, pt. iii (Moscow 1929) p. 805–06.

CHEVALIER, MICHEL (1806–79), French economist. The economic doctrines and program formulated by Chevalier when in the period following his graduation from the École Polytechnique he was editing the Saint-Simonian review, the *Globe*, remained, despite his early break with Enfantin and the other extreme doctrinaires of the Menilmontant "family," the foundation of his later work. He returns to them in his *Lettres sur l'Amérique du Nord* (2 vols., Paris 1836) and his *Histoire et description des voies de communication aux États-Unis* (2 vols., Paris 1840–41), which on the basis of his two-years travel in the United States idealize the civilization of the young country as the embodiment of Saint-Simonian ideals. His lectures (published as *Cours d'économie politique*, 3 vols., Paris 1842–44; 2nd ed. 1855–66) at the Collège de France, where he was appointed professor of political economy in 1840, are an elaboration, with a broadened, more experienced viewpoint, of the same themes. One of his last works, *Introduction aux rapports du jury international de l'Exposition Universelle de 1867* (Paris 1868), is but another reiteration in condensed form of his consistent economic credo.

Chevalier, both as a theorist and in the realm of practical statecraft, was the outstanding champion of industrialism in France. Productive power with a resultant accumulation of capital represented to him the surest guaranty of the welfare of society. Disclaiming sympathy with materialistic philosophy he extolled the machine rather as the liberator from oppressive drudgery and identified social progress with the expanding capacity of the human intelligence to dominate the material environment. Liberty he conceived of in terms of society as a whole rather than of the individual or the class; equality, as an equality of opportunity to advance in a chosen career. In place of class struggle instigated from below he favored alleviation of poverty from above and by increased production and accumulation of capital the gradual elevation of the less fortunate classes. The basis of his repudiation of the program of Louis Blanc and the advocates of the "ateliers nationaux"—which cost him, temporarily, his chair at the Collège de France—is set forth most clearly in his *La question des travailleurs* (Paris 1848) and *Lettres sur l'organisation du travail* (Paris 1848).

To the fostering of a highly industrialized society the state should devote its maximum energy, discontinuing, as a prelude to a new era of international peace, its military and naval activities. As essential factors in this process of industrialization Chevalier advocated: first, a tremendous increase in the media of communication—railroads, highways, canals, isthmuses, tunnels, public works of all kinds; second, an expansion of banking facilities and credit with removal of unjustified restrictions; and, finally, the development of an adequate educational system emphasizing especially professional and technical training. From the beginning of his career Chevalier foresaw the great civilizing role of the railroads in breaking down departmental and national barriers. In various official capacities he was instrumental in forwarding their spread throughout France. His internationalism expressed itself also in his free trade campaign, which beginning in 1852 culminated in the famous Anglo-French commercial treaty of 1860 negotiated by Chevalier and Richard Cobden. He was prominently identified with the international expositions of 1862 and 1867 and in 1869 was elected president of the International League for Peace. His belief that international exchange would be most effectively conducted under a system of monometallism is set forth in *Monnaie* (Paris 1860).

ROGER PICARD

Consult: Labracherie, P., *Michel Chevalier et ses idées économiques* (Paris 1929), including bibliography, p. 164–68; Weill, G., *L'école saint-simonienne, son histoire, son influence jusqu'à nos jours* (Paris 1896); Courtois, A., "Notice sur la vie et les travaux de Michel Chevalier" in *Journal des économistes*, vol. xlv (1889) 455–76; Bastiat, F., *Cobden et le ligue* (Paris 1845); Wallon, M., *Les saint-simoniens et les chemins de fer* (Paris 1908).

CHEYSSON, ÉMILE (1836–1910), French social economist and reformer. He was born at Nîmes and, like many other French economists and sociologists, began his education in the exact sciences at the École Polytechnique. Until 1867 he was a successful engineer in the service of the government. In that year he met Frédéric Le Play, who had charge of the organization of the Exposition Universelle in Paris, and soon became his disciple. Cheysson contributed nothing new to sociology or economics, but he exercised an enormous influence in the field of social legislation. He shared Le Play's strong religious and paternalistic attitude and like him he stressed the importance of statistical studies and detailed monographs concerning the families of working men. Although he saw very clearly the necessity for social reform his point of view was basically that of the liberal individualistic school. He feared that governmental intervention might weaken the individual's initiative, and this explains his emphasis upon organizations for social welfare rather than upon legislation. He was instrumental in organizing more than twenty societies of municipal, regional and national scope, of which the more important are the Musée Social, the Alliance d'Hygiène Sociale and the Société d'Économie Sociale.

MOSES J. ARONSON

Works: The more important of Cheysson's writings are contained in *Oeuvres choisies*, 2 vols. (Paris 1911), with a complete biography and bibliography. See particularly "Mon testament social," vol. ii, p. 1–17.

Consult: Colson, Clément, "Notice sur la vie et les travaux de M. Émile Cheysson" in Académie des Sciences Morales et Politiques, *Séances et travaux*, vol. clxxix (1913) 153–87.

CHICHERIN, BORIS NIKOLAYEVICH (1828–1904), Russian political and social philosopher. He was professor of constitutional and administrative law at the University of Moscow until 1868, when he retired to his country estate. For nearly half a century he was the most important representative of Hegelian philosophy in Russia. In his works on Russian administrative and legal history, on the history of European political theory, on political science and philosophy, he attempted not only to give concrete body to Hegelian schemata but also to refine and develop them. Thus he substituted a fourfold scheme for the dialectic trend of Hegel: the thesis is opposed by two antitheses which are not completely resolved in the synthesis. Also, to Chicherin the highest stage of the dialectic process was not the "absolute spirit" (religion and art) of Hegel, but the "objective spirit," the ethos, the "ethical realm of the free will." That the influence of Kant was superimposed on Hegelianism is even more clearly shown in Chicherin's social ethics. "The community achieves its purpose and value only through the individual. . . . Institutions exist for the individuals and not individuals for institutions." The same ethical individualism is reflected in Chicherin's complete separation of law from morals, in his defense of unconditional individual property, in his strong opposition to any intervention by the state for the protection of the weaker members of society. Politically he was an old fashioned liberal and paved the way for the Russian Constitutional Democratic party (*Kadet*), although he did not live to see it formally organized. His intellectual influence upon the party did not prevent it, however, from shifting gradually to a position of positive neoliberalism. Chicherin was not successful in his self-appointed task of combining the ethical objectivism of Hegel with the Kantian autonomy of practical reason. He overlooked the significance of Hegel's "concrete whole" when in following the atomistic mode of thinking he attempted to substitute for it the notion of the abstract universality of the law.

GEORGES GURVITCH

Important Works: *Oblastniya uchrezhdeniya Rossii v 17 veke* (Provincial administration of Russia in the 17th century) (Moscow 1856); *Opiti po istorii russkago prava* (Essays in the history of Russian law) (Moscow 1858); *Istoriya politicheskikh ucheny* (History of political doctrines), 5 vols. (vols. i–iv Moscow 1868–77, vol. v Moscow 1902); *Kurs gosudarstvennoy nauki* (Course in political science), 3 vols. (Moscow 1894–98); *Sobstvennost i gosudarstvo* (Property and the state), 2 vols. (Moscow 1882–83); *Filosofia prava* (Philosophy of law) (Moscow 1900).

Consult: *Encyclopaedia* of Brockhaus and Efron (in Russian), vol. xxxviii (1903) 887–901; Gurvitch, G., "Die zwei grössten russischen Rechtsphilosophen: Boris Tchitcherin und Wladimir Ssolowjeff" in *Philosophie und Recht*, vol. ii (1922–23) 80–102.

CHILD, JOSIAH, BARONET (1630–99), British merchant. He was born in London, the second son of Richard Child, merchant. Having amassed a large fortune Child became a director and later governor of the East India Company, whose affairs he conducted over a long and stormy period in a despotic and not overscrupulous manner. His great wealth and capacity made him a dominating personality in the finance of the second half of the seventeenth century.

His *New Discourse of Trade*, the most important of his works, had several stages before it reached final form. The first draft was his *Brief Observations Concerning Trade and Interest of Money* (London 1668), followed the same year by *A short Addition to the "Observations Concerning Trade."* In the year 1669–70 he wrote ten additional chapters and the complete work was issued as *A Discourse about Trade* (London 1690). In 1693 the same work with little variation except an introduction of twenty pages, "The Publisher to the Reader," and the name of Child on the title page, appeared as *A New Discourse of Trade* (new ed. London 1775). Child's fifteen reasons for the prosperity of Holland contain many suggestive ideas, although his argument that a low rate of interest is the cause of national prosperity cannot be sustained. He advocated freedom of trade (except in the East Indian trade), poor law reform, negotiable bills, better education, etc.

Child was essentially a man of action. Because he was the wealthiest Englishman of his time and the most prominent figure in finance and foreign trade, the ideas in his book are interesting as evidence of contemporary business life and opinion. Few seventeenth century writers who had practical knowledge of big business published their views about trade, and his opinions naturally attracted great attention. We read that the brokers on 'Change watched his smile or his frown on arrival to mark prices up or down. But his numerous works are hardly a connected argument upon any aspect of theory or of any germinal significance or originality.

Henry Higgs

Consult: Scroggs, E. S., "Bibliography of Sir Josiah Child" in British Library of Political Science, *Bulletin*, no. xiv (1921) 15–17; Helander, Sven, in *Weltwirtschaftliches Archiv*, vol. xix (1923) 327–29; Macaulay, T. B., *The History of England from the Accession of James the Second*, ed. by C. H. Firth, 6 vols. (London 1913–15) vol. v, p. 2096–2103; Scott, W. R., *The Constitution and Finance of English, Scottish and Irish Joint-Stock Companies to 1720*, 3 vols. (Cambridge, Eng. 1910–12) vol. i, p. 319–23, vol. ii, p. 140–60.

CHILD, LYDIA MARIA (1802–80), American author and reformer. She is best known for her enthusiastic and spirited efforts toward the abolition of slavery, although she interested herself also in the status of women, the treatment of the Indians, the advance of temperance, the peace movement and the history of the development of religious ideas. Her early historical novels and her writings in the *Juvenile Miscellany* (1826–34), a periodical which she edited, gained a considerable public, much of which she lost upon the publication of *An Appeal in Behalf of that Class of Americans called Africans* (Boston 1833). Mrs. Child continued, however, to use her gifted pen in educating the North concerning the evils of slavery. Her *Anti-Slavery Catechism* (Newburyport 1836) and *The Evils of Slavery and the Cure of Slavery* (Newburyport 1836) slowly overcame the hostility roused by her first work on the subject and regained for her a body of readers. Probably the most influential of her writings, although at the same time one of the most ill considered, was a letter to John Brown, which was printed along with the correspondence with Governor Wise and Mrs. Mason of Virginia evoked by it, and ran to some 300,000 copies. By her writing and by her personal influence on her husband, David Lee Child, and on Charles Sumner, Henry Wilson and Governor Andrew, she earned Whittier's tribute that no man or woman had rendered more substantial service to the cause of freedom.

Elizabeth Donnan

Consult: Biographical sketch by J. G. Whittier in L. M. Child's *Letters* (Boston 1883); Higginson, Thomas W., *Contemporaries* (Boston 1899) p. 108–41.

CHILD

Child Welfare .... Neva R. Deardorff
Child Hygiene .... Courtenay Dinwiddie
Child and Infant Mortality .... Robert M. Woodbury
Child Psychology .... Arnold Gesell
Child Guidance .... Bernard Glueck
Child Marriage
    General .... Ruth Benedict
    United States .... Fred S. Hall
Dependent Children .... Henry W. Thurston
Neglected Children .... C. C. Carstens
Delinquent Children .... Philip Klein
Institutions for the Care of Children .... Martha P. Falconer
Child Labor .... Raymond G. Fuller
Child Welfare Legislation .... Elsie Glück

Child Welfare is a term which connotes the general well-being of the child. In all ages this has depended principally on the social valuation of children and the care accorded to them. At the present time the child is considered an important social unit and is held to be entitled to all that makes for healthy living—sufficient recreation, schooling adapted to his natural learning methods, intelligent home care and the right to develop his abilities to their fullest extent. These may be assured to the more privileged child by his own parents, but children of less fortunate or less responsible parents and children who are orphaned or have been deprived of their natural guardians may have to depend for them, at least to some degree, on the organized child helping services of the community.

In addition to the many types of family situation which necessitate outside aid there are many other reasons for the existence of child helping services. Among the more obvious are patriotic interest in the conservation of human resources, fear of crime growing out of child neglect, obedience to religious injunction, pity in the presence of helpless suffering, the need to satisfy thwarted parental feelings, desire to extend the activities of a political, religious or fraternal organization, and interest in the scientific study of physical and mental growth or in the building of a more efficient social order. John Dewey formulated what is perhaps the most socially minded type of motivation for child welfare activities when he said that "what the best and wisest parent wants for his own child, that must the community want for all its children."

Child welfare activities are of many types. In some instances financial assistance is extended to the parent to enable him to continue the care of his own children, usually with some measure of supervision. In other instances aid is rendered directly to the child by providing him with foster care in institutions or families either for short or for extended periods. The activities include also professional services such as those offered by child health clinics and infant welfare stations; care of dependent, handicapped or delinquent children; safeguarding of child workers and of the child's interests before the law; adjustment of problem children; and attempts to provide children with recreation and specialized educational facilities. Research, including both medical and social surveys, has been of inestimable value to the development of all these activities.

The amount of attention given to the various aspects of a child's well-being reflects the ideals and social pressures in any given society. With subsistence precarious, food and shelter are boons; in an intensely religious age, religious instruction is of first importance; in an age of technology, scientific education assumes large proportions; in complex environments, the insuring of physical health and a stable mental adjustment are accounted among the most essential services to children. Very recently the multiplication of studies and services dealing with fractional aspects of the child's personality has found a corrective in the Gestalt psychology, which emphasizes the need of continuously taking into account all aspects of the child's well-being and dealing with "the whole child," not some isolated phase of his development.

The quality of the care accorded to children among primitive peoples is very difficult to determine. Earlier popular writers were inclined to enlarge upon such practises as child sacrifice, infanticide and child slavery among primitive and semicivilized tribes. Evidence collected by more sympathetic students was likely to be prejudiced in the opposite direction. Infanticide, however, and similar practises need not necessarily be regarded as evidence of continuing parental attitudes of selfishness and indifference. To tribes frequently on the march or those whose food supply is scanty children are a burden, and measures for limiting the increase in population may be stringent. But among races in a higher state of civilization or under less severe economic pressure children are often greatly prized for their economic and prestige value as possessions. Almost everywhere some children are wanted because they assure to the mother security in her position as a wife, and to the father the maintenance of rites for the dead and continuance of the ancestral line.

With regard to the child's position among primitive peoples, emphasis is usually given to the complete subservience of the child to the adult—the necessity of his fitting into a rigid social scheme and deferring unquestioningly to the rule of the elders, at the risk of severe punishment or death. On the other hand, it is pointed out that not a well defined plan of discipline but momentary irritation may be the ordinary cause of his chastisement, and that sometimes for the immature child there are no tabus. He is of such slight consequence that his acts do not matter. Indeed, one of the characteristics of treatment of the young, according to Miller (*The Child in Primitive Society*, New York 1928), is the failure to regard them as completely human. The child runs about unnoticed "like a little dog," often has no name until the age of initiation or perhaps has a generic title not differentiating him from material objects.

Initiation means the individualization of the child, frequently his naming and the determining of his animal totem. The severity of the rites is a preparation for the later hardships of the hunt and of war, while the passing on of the tribal traditions, with their references sometimes to a still more ancient and now unintelligible tribal past, marks him as an adult trusted to conform to the folkways of his group. The boy's education is commonly instruction in fishing, hunting, swimming and the enduring of cold and pain; also in performing his part in the economic activities of the tribe. The girl learns to plant and weave and is often burdened with the care of younger children, when these are not merely left to fend for themselves. Child labor, as Chamberlain points out (*The Child and Childhood in Folk Thought*, New York 1896), reaches far back into primitive society, for these child nurses and young workers were often kept severely to their tasks. Frequently, however, there is ample opportunity for play, and this may take elaborate forms. It is usually in imitation of grown up activities but sometimes, under supervision by the elders, it takes the form of competitive games designed to strengthen endurance.

When normal care for the child within his own family is not possible, the expedients followed by early societies vary from promptly killing the child to providing him with better care and education than would otherwise have been his lot. Imitations of family relationships are set up in many ways, such as adoption, godparenthood, foster parenthood and legal guardianship. Adoption, which has an important place among the customs of primitive peoples, is provided for as a well defined contractual relation under the Babylonian Code of Hammurabi. Wardship under the Roman law was very seriously regarded.

Throughout the long period preceding the development of modern science two of the strongest forces among the medley of those which shaped the behavior of communities and families toward children were those of mutual aid and charity. From very early times, through the Middle Ages and even down to the present, individual families in trouble have been relieved through the practise of mutual aid, which among simple peoples is the rule. The practise of charity, one of the roots of modern child welfare, also reaches far back into history, particularly in the form of concern for orphans. Greece in the age of Plato provided funds for soldiers' orphans and free medical service for poor children. The famous *pueri alimentarii* in Rome at the period of the empire was a special semigovernmental service for the charitable maintenance of the children of indigent citizens. The early Christian church set up parochial services which provided for assistance and care of children, and throughout the Middle Ages the church organization continued to be the principal agency through which charity, including aid to children, was dispensed. Japanese history records that charitable interest in the care and protection of children was present a thousand years ago.

From the emergence of civilization in Babylonia, Egypt, Greece and Italy to the beginning of the modern period in England there were in general three great classes of society: agricultural populations working either as slaves, serfs or tenants, with the children usually sharing the meager life of their families; guildsmen, both artisans and merchants, with their children or those adopted by, or indentured to, them following in their footsteps; and the ruling and professional classes, who often enjoyed a life of some cultivation but were so lacking in scientific knowledge that the lives and health of their children were often precarious. In general each of these groups gave its children such care and education as seemed necessary to enable them to maintain themselves in the social group into which they were born. The prevalence of the caste system among the Hindus and to a less extent among the early Egyptians strongly conditioned the status of children among these peoples, and even in Athens and Rome formal education beyond the learning of a trade was largely confined to children of the ruling classes.

There is little in classical or earlier literature that deals with the everyday life of the child. Such education as existed, particularly where, as in Athens, women occupied a socially inferior position, was available mainly to boys. The Athenian schools gave training in music, gymnastics and mathematics with the purpose of furthering a harmonious development of body and mind, and Greek youths were encouraged to perfect themselves physically through sports and games. The scheme of education elaborated by Plato allowed for differences in training according to the child's future place in the state, but this was a purely theoretic program. Both Sparta and Rome regarded the child as material for citizenship, to be trained primarily for future service to the state. Roman law gave the father or head of the household practically unlimited authority, *patria potestas*, over all children of the family group. He could abandon them to exposure, imprison or kill them or sell them for slaves beyond the Roman borders. This power, though virtually unchecked by law, was in practise curtailed by religious considerations, family affection, public opinion and the power of the Roman censor. Roman education in the latter years of the empire became highly formalized, and the rise of scholasticism in the Middle Ages still further removed education from concern with everyday life. The attitude of scholasticism in holding the child to be a miniature adult, an attitude found equally among some of the most primitive savage tribes, was inimical not only to the progress of education but to any attempt to understand the real nature of the child and to evolve methods adapted to promote his welfare.

The intellectual awakening that came with the Renaissance resulted by the time of Francis Bacon in clear intimations of the value of scientific knowledge in the search for human welfare. Among the earliest applications of scientific theory to child study were the writings of Comenius on education. His idea that the processes of education could be pleasurable and not a torture to children was in itself an epochal change in thought. Hermann Francke at Halle stands out not only as an advanced educationalist but also as the founder of educational-charitable institutions. In America, Benjamin Franklin likewise aimed at doing something more than feeding and sheltering children when in 1751 he opened the Academy and Charitable School in the Province of Pennsylvania, now the University of Pennsylvania.

With the spread of scientific and humanist ideas, the latter half of the eighteenth century saw profound social changes which inaugurated the era of democracy. With it came the acceptance of a belief in the rights of man and in the equal right of all children to education, health and happiness. Rousseau, with deep and contagious emotionalism, expressed his profound sympathy with the mass of people and with children in books which strongly influenced the development of child welfare. His *Émile* has been called the "Children's Charter." It marks the first complete modern expression of the ideas that human life and happiness are largely made or marred in childhood, and that there are scientific ways and means to be applied in the management of children. Rousseau held that the unhampered development of his nature, his powers, his inclinations was due every child. The educational methods advocated by Rousseau are still under debate, but his appreciation of the dignity and worth of each child's life has been a dynamic influence in child welfare work. Among those who did most to realize Rousseau's theories were Pestalozzi, Herbart and Froebel. In England, Robert Owen effected some notable advances in educational method in his New Lanark experiments, begun in 1800.

Against the background of this new humanitarianism, with its acceptance of equalitarian ideas and its advances in educational theory, stand out boldly the exploitation and neglect of children and the many confusions and abuses which resulted from the rapid growth of industry and urban centers in the nineteenth century. No social standards applicable to the factory system existed to safeguard working children. They were brought into the factory at a very early age, required to work almost unlimited hours and sometimes made to "live in," sleeping as well as working at the factory. Even the paternalism that made the apprentice under the guild system almost a part of the family unit was lacking. Dependent children lived frequently in almshouses under conditions usually depressing and often degrading and were sometimes apprenticed in gangs to the factory owner, with no further thought to their protection. The method called "baby farming," by which large numbers of children were boarded with a careless custodian, resulted in a tragically high death rate, as did also institutional care of babies.

The program of modern philanthropy, which had its roots in the ancient practise of charity, developed not only out of the challenge of these conditions but also from a recognition of the contribution which modern medical progress and methods of scientific research could make to human welfare. For its financial support the new philanthropy could turn to the rapidly accumulating wealth in Europe and America, which could both pay taxes for public services and endow private funds; and the reservoir of spontaneous human generosity which earlier showed itself in mutual aid could be drawn upon for the democratic financing of welfare activities. Humanitarian agitation evoked by the intolerable conditions found in the factories, slums and sweatshops of Europe and the United States led to early monumental surveys of social conditions and to legislation designed to regulate these evils.

The improvement of the treatment of children in conflict with the law has been an important aspect of the development of child welfare during the last century. The law early took cognizance of the child in the matter of guardianship, property rights and discipline but was slow to protect him adequately against cruelty, neglect or exploitation by industry and to differentiate between the child offender and the adult criminal. While children under seven were recognized as not endowed with adult powers of discrimination and hence not liable for their acts and children between seven and fourteen were presumed to be without criminal intent, those over this age were subject to the same criminal jurisdiction as adults. Early efforts to help these children took the form of confining them after conviction apart from adult criminals. Probation was also used to some extent in place of commitment to an institution. Later came the establishment of the special courts to hear children's cases which are now found in the majority of states in the United States. There is still some doubt in many places as to the exact status of the child offender before the law, but in general his treatment is now based on the desire not to punish him but to aid him in overcoming his handicaps of personality and social environment.

The desire to protect children from cruelty and neglect led to the organization of societies for this purpose, empowered by the legislatures to cooperate with the police. Illegitimacy laws have been revised to give a greater measure of protection to children born out of wedlock; and the contractual powers of the child have been limited, with restrictions on child marriages.

Child labor agitation has gradually set up legal restrictions on the employment of minors, until at present the legislative battleground for compulsory school attendance has moved up to the ages of fourteen to sixteen. England is accordingly undertaking to raise the school leaving age for the whole nation to fifteen as a measure of unemployment relief. In the United States continuation school requirements, by creating in employers a reluctance to hire children, even those having working papers, have indirectly tended to make grammar school graduates more inclined to continue their regular education. Trade school courses are being more closely related to methods actually used in industry through the cooperation of labor leaders, employers and educators. Juvenile placement work within schools or through public exchanges is coming to be recognized as necessary to keep children out of blind alley jobs and prevent the high rate of turnover usual among young workers.

Many types of child health activities have made progress in recent years. Among the most conspicuous are the various aspects of infant welfare that have received attention in the effort to lower the infant death rate. The death rate from tuberculosis, which formerly had a high incidence in childhood and youth, has also been greatly lowered through the antituberculosis campaign, by means of preventoria, fresh air schools, nutrition camps and general educational activities. During the last few years the diphtheria death rate among children has been sharply reduced through private and public efforts, by means of health demonstrations, traveling clinics and the like. Nutrition work and the provision of school lunches have also made progress. Behavior clinics for preschool children, visiting teacher work with problem children in the schools, child guidance and mental hygiene demonstration work, with psychiatric clinics for children of all ages, indicate a new awareness of the need to provide for the child's adjustment difficulties as well as for his physical welfare. They are in the nature of preventive measures to reduce mental disease and to limit juvenile delinquency, which is so frequently the forerunner of crime. Not only the subnormal and the handicapped but gifted children too are now being studied and special classes organized for them with curricula sufficiently full and varied to meet their needs.

For the normal child organized and well adapted recreation is thought to be the best preventive of maladjustment. Home recreation, with all the family participating, is being definitely promoted by the Playground and Recreation Association of America, as are settlement classes, supervised public playgrounds and backyard gardens. Such organizations as the Boy and Girl Scouts, Camp Fire Girls, Pioneer Youth and other youth organizations stressing athletic activity are all positive forces tending to prevent juvenile delinquency and to promote physical health and a well rounded adjustment of the personality. Improved methods in education have also done much to give the child his full chance. Nursery schools for very young children have developed, supplementing the earlier kindergarten, and experimental schools of many types have been established for children of all ages. Progressive education is making headway toward "the child-centered school," while innovations in educational methods are reaching even to the universities.

The movement for dealing with child dependency on the basis of the family unit has had a wide acceptance. Its most striking developments are the family allowance method of wage payment, in use in European countries, and the spread of mother's pension legislation, now in effect in nearly all states of the United States. The promotion of home recreation and the movement for parental education are other aspects of the endeavors to maintain the home. Where the child's own family has been broken up an attempt is made to place him in a boarding home rather than in an institution, and this practise has been extended wherever feasible even to problem children, cardiacs, cripples and small infants.

Child welfare work originally concerned itself primarily with two large age groups, infants and young children, with attention also to children who were employed. Recently the tendency has been toward a finer discrimination of age groups with special services for each. Among the services for infant children are prenatal clinics, maternity welfare work and well baby clinics. The child of preschool age has of late years claimed special attention from educators, psychiatrists and physicians. Nursing schools, habit clinics, mental testing and detailed studies of various aspects of behavior for very young children have been developed. Educators after decades of theorizing about the nature of the child have now set themselves to study his actual behavior, as a basis for new educational experiments. The gang age, when various important social patterns are first developed and discipline becomes a problem, had until lately been neglected as one of the more undistinguished periods of childhood. Recently a number of studies have centered attention on these years, and recreational programs suitable for the gang age are being developed. The critical years of adolescence had also been accorded only a tiny fraction of the study given to childhood in general, but now their many subtle problems are becoming a focus for research by sociologists, psychologists and religious workers.

There are many organizations both governmental and private concerned directly with children, whose activities touch child welfare at many points, as well as other agencies dealing with special fields, such as probation or mental hygiene. The organized social welfare activities of the various churches, such as neighborhood houses, homes for wayward girls, religious youth groups and the student in industry movement, have affected children and young people in many ways.

The federal Children's Bureau carries out an extensive program of research and education. It cooperated with the states in their administration of the Sheppard-Towner Act and has made many studies of infant mortality, nutrition, time required by mothers for baby care, children's protective laws, child labor and international progress in child health and protection. It also publishes charts, record forms, diet programs and other well baby material. It has effectively aided the temporary commissions which a majority of the states have set up in recent years to study their laws relating to children.

A growing number of states have bureaus or departments of child welfare differing from the federal bureau in that their functions are not so much research as enforcement and supervision. Institutions for delinquent or handicapped children, the administration of child labor and illegitimacy laws, and the care of dependent children may be under their charge or supervision. In a few states there are county boards of child welfare in charge of local administration, with supervision and maintenance of standards remaining the function of the state boards.

National voluntary organizations concerned with child welfare have shown rapid growth in recent years. The Consumers' League, the National Child Labor Committee and the local societies for the Prevention of Cruelty to Children have worked for protective legislation. The Child Welfare League of America, which is a federation of child caring agencies, the Child Study Association, the National Child Welfare Association, the American Child Health Association, the child guidance demonstration committee of the Commonwealth Fund and many other organizations, local and national, are furthering the application of scientific knowledge to the individual child. The National Congress of Parents and Teachers, with a membership of thousands of local parent-teacher associations throughout the country, is using in some of its local groups the best modern methods of adult education. The Progressive Educational Association makes available the findings of the newer experimental schools in applied child psychology.

The Children's Foundation of Valparaiso, Indiana, has set a high standard in publication. The Iowa Child Welfare Research Station at the University of Iowa has since 1917 carried on an extensive program of research and publication. The Institute of Child Welfare at the University of Minnesota is conducting an elaborate and practical program of home education in social hygiene for parents and children, with detailed recording methods. The Child Development Institute at Teachers' College, Columbia University, is initiating research on the behavior of children of preschool age. The Children's Foundation of Michigan, organized in 1929, the Brush Foundation in Cleveland, the Institute of Child Welfare at the University of California and St. George's School for Child Study at the University of Toronto are among other organizations of the kind. The White House Conference on Child Health and Protection of 1930, following earlier similar conferences, was designed to evaluate progress and to set up new standards of social activity for the benefit of the child.

Under the League of Nations a Child Welfare Committee conducts research and compiles national laws relating to children. It has studied such topics as the repatriation of foreign children, infant mortality, the family allowance system, child marriage and child labor laws. Recently it extended its program to consider delinquency, illegitimacy and the influence of motion pictures. At various times since 1883 international congresses have been held dealing with the welfare and protection of children. In 1928 a congress was held in Paris under the auspices of the League of Red Cross Societies, the International Infant Welfare Union, the International Child Welfare Association and the Union Internationale de Secours aux Enfants. This last organization was started in 1920 as the "Save the Children Fund," and by the end of 1927 had distributed £4,000,000 for the care of destitute mothers, infants and children in many countries. As an outgrowth of a pan-American congress held in 1924 the American International Institute for the Protection of Children was founded at Montevideo to organize national child welfare activities in the western hemisphere. The sixth Pan-American Child Welfare Congress met in 1930.

The World War, with its great depletion of human resources, turned the attention of most European countries to the urgency of reducing the infant death rate. The increased number of working mothers caused many countries to adopt, if they had not already done so, a system of financial assistance to women at the time of confinement, in addition to a fixed amount of time off from work. Mothers were also encouraged by nursing premiums or the provision of free lunches to nurse their babies; and the need for better midwifery received much attention, particularly in England. Convalescent homes and nursery schools have also had a widespread development. In France, Italy, Japan, Poland and some other countries, as a result of the extensive employment of working mothers, the law requires employers to set aside a room for nursing mothers where they may care for their infants at certain times of the day.

The German constitution of 1919 is a charter of children's rights, under which extensive welfare activities have been carried on. The state and local Jugendämter, or juvenile boards, have very broad powers, supervising mothers' consultation centers, boarding out and guardianship of illegitimate children. There is in Germany a total of 2,300,000 children dependent on public or private charity. In Norway child welfare councils in each municipality replace the courts in jurisdiction over children below the age of sixteen; and the child welfare boards in Sweden and local councils of guardians in Denmark carry on similar activities. Norway and Sweden also have advanced laws on the subject of illegitimacy and aid to unmarried mothers. Austria has left the financing of infant welfare work largely to private funds or local government resources. Much educational work has been carried on there through traveling health centers. Czechoslovakia, which has had a rising tuberculosis death rate, is now well supplied with convalescent homes. Inspection of children by school doctors is the rule, a health measure which is becoming widespread in Europe and Australia. Social insurance in Russia covers all workers, but mothers who are brain workers are allowed less time off before and after confinement than those doing heavy physical work. The Soviet Republic is working to extend children's health services and sanitaria in Russia, and free school lunches have been instituted. Many model homes for children have been established. A national mental hygiene service is now open to persons of all ages, although its extension is hampered by a shortage of training schools for psychiatric workers. Young Social Aid Brothers and Sisters guard against the exploitation of child workers in small industries. Italy is taking active measures to reduce maternal mortality and carrying on extensive research to that end. Instruction in the care of babies is given in normal schools.

The Australian states and New Zealand have an excellent system of children's courts for dealing with juvenile delinquents. Baby clinics and health services have been widely developed, and medical examination of school children, while not required in all states, is fairly general. The boarding out of dependent children has been well developed. In New Zealand since 1926 the children's courts have had very broad powers, including aid to unmarried mothers which extends, when necessary, to helping them find employment. There is a federal child welfare service under the Education Department which makes investigations in connection with mothers' pensions and supervises placement of dependent children, as well as taking charge of work for the handicapped. Japan has had school physicians in all primary schools of cities of 5000 or more since 1896. Stringency of funds, however, has prevented much progress in reducing maternal mortality; and child labor is still a serious problem.

Problems of child welfare are closely related to almost all the major concerns of mankind. The improvement of social organization, the adjustment of class and race relationships, the efficiency of government and all its agencies, the stabilization of international relations, the need for greater scientific knowledge, are only a few of the social problems which have important implications for the welfare of children. To make the utmost use of all that science and a world at peace can offer is implied in any thorough program of child welfare.

NEVA R. DEARDORFF

CHILD HYGIENE. The term child hygiene is used to describe the consciously planned promotion of the health of children from the prenatal period through adolescence as well as of the mother's health during the prenatal period and the child's early infancy. The development of child hygiene has been a matter of slow evolution. It began with attempts to put an end to infanticide and the grossest cruelty. Efforts to save the child's soul followed, with very slight and often misguided attention to his body. Now the objectives of child health programs include not only the prevention and cure of disease but vigorous and healthful development for all children.

Infant mortality, even down to the nineteenth century, was startlingly high. A writer in a French medical journal of 1780 stated that at that time half of the children born in France died before the end of their second year, and all available information indicates that this statement is an accurate picture of conditions then prevailing in most European countries. Wholesale wastage of child life was until comparatively recent times ordinarily accepted as an inescapable edict of Providence.

There is little evidence of any knowledge of child hygiene in early civilizations. The methods of the Spartans, who from approximately the eighth century B.C. exposed babies judged to be unfit and gave rigid physical training to children allowed to survive, were despite their crude severity and inadequacy the most effective known at that time and for centuries thereafter. In the second century A.D. Soranus of Ephesus, who might be called the first obstetrician and pediatrician, laid down in a medical book for mothers a number of sound principles of child hygiene. He emphasized the importance of breast feeding, gave directions as to frequency of nursing and warned against feeding at irregular intervals. Oribasius (325–403 A.D.) supplemented Soranus' teaching with instructions for the care of older children, commenting upon the need for regularity in meals, exercise, bathing, sleeping and other details of personal hygiene. Such teachings, however, received scant attention; in 1782 William Black of London in a historical sketch of medicine lamented the "carnage among the young of the human species" and the infrequency of any special attention to infantile diseases. "Up to this century," he said, "the management of these tender creatures in sickness was left to ignorant old nurses and rude quackery."

An Englishman, John Bunnell Davis (1780–1824), stands out most distinctly as the founder of modern child hygiene. In a small book, *A Cursory Inquiry into some of the Principal Causes of Mortality among Children, with a View to Assist in Ameliorating the State of the Rising Generation in Health, Morals and Happiness* (London 1817), he showed a real understanding of the causes of infant mortality and of the measures necessary to reduce it. He established the first public dispensary and organized a corps of home visitors, thus laying the foundation for modern systems of public health nursing for children.

Another important step was taken in France in the middle of the nineteenth century. In 1854 M. Morel, as mayor of Villiers le Duc, had unobtrusively initiated a baby saving program which resulted in the reduction of the village infant mortality from 300 to 200 per 1000 live births. This campaign lapsed but forty years later his son, who became mayor, revived it with an astonishingly thorough plan. This program included the reporting of all pregnancies, efforts to see that every mother nursed her baby for at least a year and provision of a wet nurse if she could not do so, weighing every baby once a fortnight and reporting the illness of every young child within twenty-four hours; it also provided the services of a physician at least once a week and a community herd to supply clean milk to nursing mothers and children. From 1893 to 1903 the infant mortality of Villiers le Duc is reported to have stood at zero.

In 1889 a very simple consultation center for mothers and children was established in New York by Dr. Henry Koplik. In 1890 a similar center was founded at Barcelona, Spain, by Dr. Francisco Vidal Solares, a Cuban physician; and in the same year Dr. A. Herrgott established at Nancy the Oeuvre de la Maternité, which had wide influence in other countries. School medical inspection, although of a very elementary sort, had its origin in Paris as early as 1834. The sharply declining birth rate of France gave impetus to all these movements for the conservation of child life.

Toward the end of the nineteenth century, under such leaders as M. Morel and Dr. Pierre Budin of France, Benjamin Broadbent of England and Dr. L. Emmett Holt and his associates in the United States, there developed a more scientific attitude to replace the crude evolution of hygiene technique through the trial and error method. This new attitude, which was especially evident in the handling of child health problems, had a highly stimulating effect on pediatric practise and on the enlistment of public support for child health measures.

During the first decade of the twentieth century much progress was made in infant welfare, particularly in England, Germany and the United States; New Zealand was in the vanguard in the popularization of public health programs for infants and children. During the war health work for children, as a conservation measure, developed rapidly, especially in the field of consultation centers for mothers and infants as well as for older children. England took a far reaching step at that time (1918) through the extension of grants in aid to private and public agencies for maternal, infant and child welfare work. Somewhat similar legislation was adopted by the United States in 1921 through the passage of the Sheppard-Towner Act.

It was during this decade that attention was first concentrated upon scientific feeding and care of infants. To previous knowledge of the importance of breast feeding and of the necessity for scrupulous protection of milk and its scientific modification were added newer dietetic findings. These included such things as the value of vegetables in the early diets of children and the effects of a well regulated dietary for the mother during pregnancy. For growing children of all ages laboratory experiments in recent years have shown clearly the value of the so-called protective foods, such as milk, butter fats, citrus fruits, tomatoes and green vegetables, as well as whole cereals and other elements necessary for a well balanced diet.

Another subject of considerable research has been the effect of sunlight and of artificial irradiation on growing children, and their value in allowing the body to make the best use of certain growth foods, especially those essential to bone growth, not only through the direct action of sunlight upon the body but also through the vitamin value which has been stored up in foods. The use of ultraviolet light for therapeutic treatment of diseases, other than rickets and some forms of tuberculosis, is still in the experimental stage, and it has been found that neither sunlight nor artificial irradiation lessens the need for milk and certain foods which supply food calcium or for other essential food elements.

The control of communicable diseases constitutes still another field of research. The recent proof that diphtheria may be controlled as completely as smallpox through immunization has afforded an invaluable protection for children of preschool age, a period when diphtheria mortality has been highest. Immunization against typhoid fever is accepted as an essential protection where sanitation is inadequate, and immunization against scarlet fever gives hope of success. Thus emphasis in the control of communicable diseases has shifted from quarantine, which of course is always necessary, to active immunization wherever possible in dealing with the more serious diseases of childhood.

In the protection of motherhood convincing evidence was secured relating to the effects of education and health supervision of the mother during pregnancy, and of aseptic, skilful obstetrics, with a minimum of instrumental interference, in preventing deaths of both mother and infant. It soon became evident that there was a need for improvement in educational program methods and personnel in order to make effective for large numbers of children the knowledge and technique which had been acquired by research technicians and pediatricians. The activities of specialists in various fields were often unrelated or without coordination. In most countries medical supervision of school children had been extended rapidly without much attention to thoroughness of examination, follow up procedure or the educational use of findings. Until recently teaching of health subjects in the schools was often academic and sterile, without any vital relationship to the child's own social status and habits. Because of insufficient study and health supervision the preschool age was termed the "neglected age" of childhood.

Modern workers have recognized these obvious weaknesses, and the chief characteristics of a modern and progressive child health program are inclusiveness, thorough integration of various special health services, emphasis on prevention and a carefully planned educational program. The usual protective work of the health department in controlling communicable diseases, in sanitation and in safeguarding water and food supplies is supplemented by positive efforts to see that health examinations, immunization and advisory health services are available for children of all ages. The old abstract teaching of physiology and hygiene in the schools is being modernized by programs, devices and exhibits to stimulate children in building up wholesome daily habits. Health teaching is coordinated closely with such subjects as physical education, home economics, biology, civics, history and art.

As special services are introduced into a health program they must be closely correlated around common objectives, so that all activities may be parts of a well integrated whole. The need for an accurate judgment of comparative values and a nice balancing of program elements is illustrated by the problem of undernutrition. At the beginning of the twentieth century an alarmist view held that the prevalence of undernutrition was primarily if not exclusively an evidence of insufficient food, due to widespread poverty. It is now known that although poverty constitutes a menace to child health in many ways, malnutrition may be prevalent in the homes of the wealthy as well as among the poor, as a result of faulty selection of foods, insufficient rest, the aftermath of localized or general infections or other causes. Thus the question of preventing undernutrition is seen to be as comprehensive as the whole range of child health effort. The modern school health program also illustrates the desirability of unified services and cooperation of personnel. For instance, the results of school medical examinations should aid the family physician or the clinic in the correction of defects, help public health nurses and parents to safeguard the child's health and to improve home conditions, and lay a foundation for the classroom teacher's guidance of the child into satisfactory health habits.

The newer discoveries in mental hygiene have given added emphasis to the knowledge that the effect of unwholesome surroundings, physical abnormalities and personal maladjustments are subtle but powerful and may crop up in unexpected ways. A well rounded health program, therefore, takes into account all of these personal and environmental factors, physical or mental. Physicians, especially pediatricians, and other public health workers now increasingly realize the need for cooperation.

Since the progress of medical knowledge has pointed the way to preventive health measures, authorities on child health now agree that emphasis is shifting from the mere protection from disease and correction of defects to the actual building up to the highest possible level of the child's health, vigor and general enjoyment of his physical and mental powers. This requires a working knowledge of the whole realm of healthful living on the part of both parents and children, as well as preventive supervision by physician, teacher and nurse. It presupposes that what is taught the individual must be practically related to his previous knowledge, experience and conditions of life. Hence a demand has arisen that the information intended to guide parents and children be simplified in order that by means of public health education it may be made common property. To popularize such information among parents and children and to carry on educational publicity in the field of health many lay organizations have been founded. The increased understanding of community health needs as a result of their work prepares the way for the government to assume further responsibility in health matters.

The machinery for putting child health programs into effect has varied widely in different countries, as have the objectives of these programs and the emphasis given to their constituent parts. Nevertheless there have been certain trends in the establishment of administrative machinery which are common to the child health movement throughout the world. These are exemplified in health legislation and the organization and work of bureaus of child hygiene and both public and private educational agencies.

Legislation affecting child health may be national, provincial, state or local. In addition to general public health legislation, which affects the health not only of mothers and children but of the whole population, there have been numerous laws passed dealing specifically with problems of maternal or child hygiene. These laws may be classed as regulatory, as creating governmental agencies or as providing for subsidies.

Regulatory legislation covers a wide range of subjects, including particularly the reporting of infant births and deaths, the training and qualifications of midwives and maternity nurses, compulsory prophylactic treatment of the eyes at birth to prevent *ophthalmia neonatorum*, reporting of any inflammatory condition of the eyes of the newborn as well as provisions regarding the sanitation of school buildings and the licensing, inspecting and regulating of maternity and children's homes and agencies for placing out children in private homes. It may also include the requirement of health examinations before the issuing of employment certificates to working children.

Legislation for creating governmental agencies usually provides for bureaus of child hygiene, either separately or as divisions of health departments, for purposes of general education in maternal and child health problems and for the supervision of agencies and workers in the field. As corollaries to such laws are the appropriations, usually annual, for the support of the bureaus. The administration of the regulatory laws is often left to separate bureaus. There are also allied laws establishing schools or institutions for the blind, the epileptic, cripples and other groups of children physically handicapped.

Governmental subsidies have been one of the newer methods of stimulating local activities in the field of maternal and child health. Such subsidies may be made with or without the proviso that they must be matched by local appropriations. In Germany, France, England, Italy, Russia, Hungary, Austria and Spain subsidies have been provided by law for mothers both before and after confinement.

Legislation prohibiting grossly injurious conditions of labor for women and children and measures providing mothers' pensions to maintain the child in the home should also be noted here as potential forces for safeguarding children from accident and disease.

Child hygiene bureaus have been established by law in some countries, with power to promote child health programs under either governmental or private auspices within their jurisdiction. In general, both national and provincial bureaus are concerned primarily with initiating, supervising and encouraging local work, while local bureaus are charged with the actual administration of community child health projects.

For several decades there have been, in most large countries, private organizations, either national or local, for the purpose of promoting the health education of the public, doing pioneer experimentation in fields not yet covered by official agencies and bringing effective support to the better type of governmental bureaus in securing appropriations and extending their work. National and district conferences on maternity and child health have been organized more frequently by private than by governmental agencies.

The most common forms of administrative and educational machinery for child health are regular health conferences for mothers, infants and older children, routine examinations of school children, public health nursing in the home, children's hospitals and, especially in European countries, convalescent homes, fresh air camps, preventoria, traveling health conferences and clinics, dental clinics and psychiatric or child guidance clinics for the elimination of personality maladjustments, the provision for a director of all health teaching in schools, exhibits for the information of the public or of professional groups, and institutes or special courses for giving up to date training in child health to pediatricians, teachers, nurses and parents.

To supplement these administrative and educational facilities a wide variety of devices for stimulating public interest has been used in various countries. These have ranged from Morel's attempt to stimulate better infant care in Villiers le Duc by promising to pay a small sum to each baby on its first birthday to the plan widely used in the United States of awarding stars, medals or honorary titles to school children for the observation of sound health habits or the correction of correctible defects or both.

The infant mortality rate of a country or region is commonly used to judge the results of its child health work, not because it is a sufficiently comprehensive index but because it is the most sensitive readily available. The infant mortality rates of England and Wales (the earliest valid rates obtainable), while almost static from 1851 to 1899, dropped sharply from 163 infant deaths per 1000 live births in 1899 to 70 in 1926. The coincidence of this decline with the inauguration of child hygiene and general health measures is striking. Similar correlations between increased child hygiene activities and downward trends in the death rates of both infants and older children have been widely observed.

The general decline in child mortality which has taken place in most European countries and the United States since 1890 has been aided by improvements in economic conditions and public sanitary measures, particularly those relating to the control of milk and water supplies, as well as in general health supervision. Studies of child mortality in communities with effective child hygiene programs have shown lower death rates for children who were supervised than the average for unsupervised children of the same age. The reductions have been primarily in deaths from diarrhea, enteritis and the acute infections of childhood and to a smaller degree in deaths from the less acute respiratory diseases.

In the meantime there has been no general lowering of maternal deaths nor of neonatal infant deaths from such causes as congenital malformations or debility, premature birth or injuries at birth. A decrease in mortality from these causes has, however, been sometimes effected through the intensive effort of individual hospitals and health services, careful supervision of mothers during pregnancy, skilful aseptic deliveries and postpartum care of high quality.

The question has been raised whether the saving in infant life that has been brought about has not had a tendency to preserve the unfit; but the weight of evidence is decidedly to the contrary. It appears rather that in addition to reduced mortality another result of protective measures has been to save normal children from those diseases whose effects are likely to prove injurious in later years. But since child hygiene is no longer simply a matter of preventing disease and premature death, research workers are now faced with the task of devising satisfactory criteria for judging positive gains in the health of individual children.

COURTENAY DINWIDDIE

CHILD AND INFANT MORTALITY. The rate of child and infant mortality is an especially sensitive index of social and economic conditions. Infant mortality rates, especially, vary with such factors as economic status, family income, housing, mothers' employment and positive programs for the conservation of child life. Although the rate of child and infant mortality has in recent years steadily declined, it is still high in comparison with the mortality of adult years. Although child mortality and infant mortality may involve factors different for the two periods, the social cost of high infant and child mortality rates differs only quantitatively and similar means are effective in the reduction of both.

The general mortality rate is measured by relating deaths to the average population exposed to the risk of dying. For the age group under five, accordingly, the mortality rate is found by dividing the deaths under five by the estimated population under five in the same area for the same period. Since population figures are available only for census years, it is customary to use in the denominator estimates of population calculated to the midpoint of the year to which the deaths relate. There are several sources of error in computing such rates. Since the numerator of the rate fraction is based on deaths which are registered as having occurred during the period (usually the calendar year), errors due to omissions of registration may affect the rate. Nevertheless, in countries where the custom of registration is general, where burial in cemeteries is the rule and where a permit issued only after registration is required for burial, such omissions are not numerous enough to affect the figures materially. There are, however, specific sources of error for child and infant mortality rates. Estimates of population for ages under five based upon census enumerations may depart appreciably from the true figures, since the number of live births and the number of children who die vary considerably from year to year. In calculations of infant death rates this source of error is so important that such rates are commonly calculated by dividing the deaths under one year by the number of live births, instead of by the estimated infant population. This comparison with births, however, requires accurate birth statistics if the basis is to be correct. In general, birth registration is less complete than the registration of deaths.

Statistics of births for the United States birth

TABLE I

Mortality Rates by Sex and Age During the First Five Years of Life in Selected Countries

Country and Period		Males					Females				
		0–1 Year	1–2 Years	2–3 Years	3–4 Years	4–5 Years	0–1 Year	1–2 Years	2–3 Years	3–4 Years	4–5 Years
Australia	1901–10	95.10	17.80	6.75	4.39	3.49	79.53	16.65	6.29	4.11	3.24
Denmark	1906–10	120.67	16.62	6.79	4.48	3.17	97.71	15.99	6.29	4.41	3.19
England	1901–10	144.34	40.39	15.95	10.02	7.40	117.43	37.64	15.26	10.05	7.48
France	1898–1903	163.26	33.88	18.91	11.91	8.59	136.49	31.66	17.54	11.57	8.67
Germany	1901–10	202.34	39.88	14.92	9.47	6.91	170.48	38.47	14.63	9.25	6.84
Holland	1900–09	140.46	35.55	16.65	9.16	6.54	117.69	34.22	15.71	8.20	5.95
India	1901–10	289.98	91.20	65.70	48.30	36.00	284.60	86.20	61.60	45.10	33.70
Italy	1901–10	167.71	70.40	30.80	17.43	11.72	152.11	71.36	31.85	17.89	12.43
Japan	1898–1903	156.86	36.86	25.91	17.00	11.19	140.92	35.98	26.02	17.32	11.68
Norway	1901–10	81.45	18.36	8.62	6.35	5.16	66.79	16.76	9.03	6.18	4.91
Sweden	1901–10	92.55	22.77	10.90	7.87	6.10	75.98	21.21	10.72	7.35	6.14
Switzerland	1901–10	138.40	21.98	9.78	6.52	5.17	112.58	21.61	9.45	6.25	4.82
United States (white)	1901–10	127.38	30.19	13.75	8.80	6.47	105.51	27.43	12.61	8.28	6.10

Source: United States, Bureau of the Census, *United States Life Tables, 1890, 1901, 1910 and 1901–1910*, prepared by J. W. Glover (Washington 1921) p. 204–07.

registration area have been published only since 1915, when the area included ten states and the District of Columbia and covered about 31 percent of the population. Estimates of omissions in birth registration for 1919, when it was possible to utilize the census as a basis for comparison, indicate an average percentage of omission of about 8.0 for the birth registration area. In other countries the percentage of omissions is in most cases low because registration of births has been in effect for much longer periods, as for example in England since 1837 (voluntary) and 1872 (compulsory), and greater stress is laid upon complete registration. In comparing infant mortality rates between countries and at different periods, allowance must be made for the effect of differences in the completeness of registration.

The rate of mortality in childhood shows a steep downward curve. It commences at a high figure at birth, falls very rapidly through the first month and the first year of life and continues to fall in succeeding years, though less and less rapidly, until the lowest death rate is reached at about twelve or thirteen years, after which the rate rises steadily with increasing age. Not until advanced old age does the mortality equal that of the first year of life. In the United States in 1925 the mortality rate under five years was 19.7 per 1000 for the death registration states of 1920. Under one year the mortality was 75.3, while for the years from one through four the rate averaged only 6.3. For the five-year period five through nine the rate drops about one half, while the years ten through fourteen are the healthiest of the whole life span, with a mortality of about 2 per 1000. Because the excessive mortality of early childhood decreases rapidly in succeeding years, it is the earlier years, particularly those under five, to which students of vital statistics have given most attention.

Table I presents mortality rates by sex and age for thirteen of the principal countries during the period 1901–10 or for the nearest corresponding period. It indicates certain striking differences, for example, between India with infant mortality rates 289.98 and 284.60 for male and female infants respectively and rates of 36 and 33.7 for the four-year olds, and Norway with infant mortality rates of 81.45 and 66.79 and rates for four-year olds of 5.16 and 4.91 respectively.

Dr. Louis I. Dublin, one of the few authorities on vital statistics who have made an intensive study of child mortality, has pointed out some interesting facts with regard to its causes. Diseases peculiar to early infancy, such as congenital debility and premature birth, are not a factor after the first year. During the second year nutritional diseases are the chief cause of death, with respiratory diseases coming next; epidemic diseases are more serious than in the first year, and fatal accidents, including burns, increase in number. In the third year the epidemic diseases, diphtheria, whooping cough, measles and scarlet fever, replace nutritional diseases as the prime cause and are responsible for a quarter of the deaths; respiratory diseases follow in importance; and there are more accidents.

During the fourth year epidemic diseases account for about a third of the total mortality, respiratory and digestive diseases decrease and vehicular accidents take a larger toll. In the fifth year there is a slight increase in typhoid, and practically the first onset of appendicitis appears. Organic heart disease and nephritis, possibly from the sequelae of epidemic diseases, become factors.

TABLE II

Causes of Death of Children 1 to 4 Years of Age, Inclusive, for 1925, in United States Death Registration States of 1920

Cause of Death	Deaths per 1000
All causes	6.3
Epidemic, endemic and infectious diseases	2.0*
Diseases of the respiratory system	1.3
Diseases of the digestive system	1.4
External causes	0.7
Ill defined	0.1
All other	0.7

* Includes rates for measles—0.2, scarlet fever—0.1, whooping cough—0.3, diphtheria—0.4, tuberculosis—0.3, and all other epidemic, endemic and infectious diseases—0.7.

Source: Compiled from United States, Bureau of the Census, *Mortality Statistics: 1925* (Washington 1927) pt. i.

During the five to nine-year period, heart disease and typhoid fever increase; bronchopneumonia is more prevalent than lobar; and whereas tuberculosis among younger children is largely of the meningitis type, during this period the pulmonary type leads. There are more falls and drownings, and automobile accidents in ever mounting number take the heaviest toll at this age. Hitherto diphtheria has been an outstanding cause of death in the five to nine-year period, but preventive work is rapidly reducing its frequency.

In the later years of childhood the causes of mortality increase, thus approximating the situation in adult life. In the healthiest years, ten through fourteen, tuberculosis chiefly of the pulmonary type is the greatest danger; the typhoid and appendicitis rates rise; and pneumonia is then at a minimum. Acute infections are less serious than organic heart disease, articular rheumatism and diabetes. In addition to drowning and automobile accidents, there are more fatalities due to the use of firearms and the like.

The separate recording of mortality of children from one to five years has been responsible in part for a recognition of the seriousness for this period of epidemic and communicable diseases, not only in their primary degree as causes of death but in the causal relation between them and a series of pathological conditions appearing in later life as a result of organic and hangover infections.

Recent medical progress gives promise of virtual control of the epidemic children's diseases, with a great reduction in the death rate from these diseases and their sequelae. In the case of diphtheria and scarlet fever it is possible to determine by simple tests whether or not a person is susceptible to the disease, and to produce effective immunity. Treatment by antitoxin, if promptly applied, greatly reduces the danger of death in both diseases. Increasing success in combating tuberculosis has vitally affected the mortality rate in the five to nine-year period, in which it has been the chief cause of death. Progress in wiping out the diseases which are especially hazardous to children depends in part on increased medical knowledge, general health education, particularly that of parents, and public health measures, which in reducing the general death rate have a beneficial effect in lowering child mortality, not only directly but through lessened danger of infection. One minor but serious cause of child mortality, namely death from accident, has steadily increased to continually greater hazards despite extensive efforts for safety education. School health examinations, when accompanied by efficient follow up work, help to safeguard children of school age and to minimize the spread of infections to other children. Recently health campaigns have canvassed the needs of the preschool child for the purpose of adequate protection. A comparison of the average rate of mortality in the United States death registration area as shown in Table II with the rates for the period 1901–10 shown in Table I exhibits as marked an improvement in mortality for these years as for the first year.

Infant mortality has been much more widely studied than child mortality in general because of its exceedingly high rate in all countries relative to the mortality rate of adult life and later childhood, because of its association with questions of maternity welfare and because statistically it presents certain unique problems, being subject to sources of error which make necessary the use of a different basis of reckoning. More complete data are available with regard to the causative factors of infant mortality than for child mortality in general.

The preponderating causes of mortality during the first year, as indicated by Table III, are conditions present at birth itself or those resulting from injuries at birth; next in order of importance are the gastric and intestinal disorders related to difficulties in feeding, the respiratory diseases and the communicable diseases. A comparison of the data for 1915 and for 1926 shows some significant shifts in cause.

TABLE III

INFANT MORTALITY BY CAUSES OF DEATH, 1915 AND 1926, IN UNITED STATES BIRTH REGISTRATION AREA OF 1915 *

CAUSE OF DEATH	1915		1926	
All causes	99.6		74.7	
Gastric and intestinal diseases	24.6		9.6	
Respiratory diseases	16.6		13.6	
Malformations	6.4		6.9	
Early infancy	34.4		28.9	
Premature births		18.5		18.0
Congenital debility		11.7		5.5
Injuries at birth		4.1		5.4
Other communicable diseases	7.6		7.7	
Measles		0.7		1.4
Scarlet fever		0.1		0.1
Whooping cough		1.9		2.1
Diphtheria		0.6		0.2
Influenza		0.6		2.0
Dysentery		0.2		0.1
Erysipelas		0.6		0.5
Tetanus		0.1		—
Tuberculosis (all forms)		1.6		0.7
Syphilis		1.3		0.6
External causes	1.0		0.9	
Diseases ill defined and unknown	0.7		0.6	
All other diseases	8.3		6.4	

* Exclusive of Rhode Island.

Source: Compiled from United States, Bureau of the Census, *Birth, Stillbirth, and Infant Mortality Statistics* for 1915 and 1926 (Washington 1917 and 1929).

In addition to the general reduction in rate from 99.6 to 74.7 there is a three fifths diminution in the deaths from gastric and intestinal causes, involving a shift from second to third place as a causative factor. Another important reduction is in deaths from congenital debility, under the grouping of diseases of early infancy. Congenital debility undoubtedly includes many deaths really due to feeding troubles. The combination of reduction in this group with that in the gastro-intestinal group indicates that feeding troubles are not only one of the chief causes of infant mortality but one of the most preventable, since their origin is in lack of cleanliness and in negligence or in ignorance of the proper methods of infant feeding. This conclusion is borne out by the fact, not indicated in the table, that such deaths are far more prevalent in the summer months, while deaths from respiratory diseases occur most frequently, as might be expected, during the winter months. Congenital debility, properly so classified, has as a rule been one of the causes least responsive to efforts for infant welfare. Syphilis and alcoholism in the mother or her own constitutional defects, and injuries to the foetus before birth are among its chief causes. Prenatal care for the mother offers the best possibility of lessening the incidence of the so-called "wasting diseases." The rates from injuries at birth increased between the comparative dates by nearly one third. This is especially interesting when considered in connection with the high maternal mortality rate in the United States.

A study has been made by the United States Children's Bureau of the factors affecting infant mortality in eight cities in selected years between 1911 and 1915. The findings of this study offer some of the most detailed evidence available as to the causes of infant mortality. In considering the rates emphasis is to be placed upon the relative rates of mortality among the different groups rather than upon the absolute figures.

The study shows a correlation between the health of the mothers and the circumstances and types of births and the rate of mortality of the children. Among infants whose mothers died during the first year after confinement the rate was 450, or four times that (109.2) among infants whose mothers survived, probably a result partly of weaker constitutions and partly of the necessity for artificial feeding or foster care. Infants whose mothers were or had been tubercular had a mortality of 271, or two and one half times the rate (102) among other infants, again possibly due to a generally weaker inheritance, to the contraction of tuberculosis by contact with the mother or to the necessity for artificial feeding because of the weakened condition or death of the mother. Male infants had a rate about one fourth higher than that of female infants, an excess which appears not only in causes peculiar to early infancy, where the greater size of the male infant may be a factor, but also in practically every cause of death, indicating a generally lower vitality for male infants. The mortality of twins and triplets was 363, or three and one half times that of single born infants. Prematurely born infants were subject to a very heavy death rate, more than six times as high as among those born at term. An unusually large proportion of twins and triplets were premature. Infants whose mothers were delivered by means of instruments had a mortality of 120.3, considerably higher than 102.1, the rate for other infants.

The mortality among artificially fed infants, averaged month by month during the first year, was from three to four times as high as among those who were breast fed. The excess of deaths was especially noticeable during the first six or seven months, gradually falling toward the end of the year. Although in many cases the artificially fed infants were handicapped by inheritance of weak constitutions, as in the case of the prematurely born, the twins and triplets and those whose mothers died, yet the excess mortality among the artificially fed was found to be equally great among infants not affected by these factors, among the single full term infants whose mothers survived the year. The analysis indicated that artificial feeding was directly correlated with higher mortality and that, during the first six months of life, the earlier the artificial feeding began the higher was the mortality among the artificially fed infants.

The factor of the mother's age in infant mortality rates, as ascertained by this study, is shown by the following figures:

AGE OF MOTHER	RATE
Under 18	160.3
18–19	128.9
20–24	109.5
25–29	101.4
30–34	104.7
35–39	126.5
40–44	131.3
Over 45	250.0*

* Based on less than 100 cases.

It appeared that the infants of mothers between 25 and 30 have the best chances of survival and that, contrary to popular opinion, the infants born to mothers from 35 to 40 years of age have a better chance than those of mothers of 18 and 19 years.

Order of birth also was found to affect the child's chance of life. First births had a slightly higher mortality rate than second (104.7 as compared with 95.7); after the second birth the rate of mortality increased slowly for the third and fourth, and then more rapidly to 146.8 for the ninth, and 181.5 for the tenth and later births.

The spacing of births was revealed as a decidedly important factor. The mortality among children who followed preceding children after an interval of one year was 146.7 as compared with 98.6, 86.5 and 84.9 among children for whom the interval was two, three and four or more years. Artificial feeding, with the concomitant danger to survival, was markedly more prevalent among children born within one year of the preceding birth. The interval before the succeeding pregnancy also affected the infant's chances for survival, and over two and a half times as many infants whose mothers became pregnant again within the year died, as compared with the average for infants during the same months of life.

A marked correlation was found between the infant mortality rate and the economic status of the family, as shown by the father's earnings (Table IV) and by the income from the father's earnings per capita for the members of the family. The lower the father's earnings and the lower the per capita income the higher were the infant mortality rates. The correlation was particularly marked between low earnings of the father and death from gastro-intestinal causes and epidemic and communicable diseases. Although a smaller proportion of the infants of the low earnings groups was artificially fed the mortality rates of those who were artificially fed were unusually high, suggesting that this type of feeding in the low income families was fraught with increased hazards of infection or serious digestive disturbances.

The influence of the mother's employment upon infant mortality is marked. Employment away from home appeared, in the Children's Bureau studies, to be associated with heavy infant mortality rates. Infants whose mothers were employed away from home during pregnancy had a mortality rate of 176.1 as compared with 114.6 for those whose mothers were employed at home, and with 98.0 for those whose mothers were not employed. Employment away from home during the child's first year of life was associated with a mortality two and one half times as high as that among infants whose mothers were not employed. This group overlaps in large part with groups in which the fathers had low earnings. Both low family in-

TABLE IV

Infant Mortality Rates, by Cause of Death and Earnings of Father*

Earnings of Father	Infant Mortality Rates						Neonatal Mortality Rates †
	All Causes	Gastric and Intestinal Diseases	Respiratory Diseases	Early Infancy Diseases	Epid. and Commun. Diseases	All Other Causes	
Total	110.0	32.3	19.2	35.9	6.8	15.7	44.4
Under $450	166.9	60.6	33.4	43.8	12.3	16.9	55.8
$450 to $549	125.6	44.9	23.3	35.4	6.4	15.6	46.0
$550 to $649	116.6	36.5	18.9	37.5	9.3	14.4	43.3
$650 to $849	107.5	27.1	19.6	37.4	5.5	17.8	46.5
$850 to $1,049	82.8	19.7	13.5	30.2	4.2	15.2	38.0
$1,050 to $1,249	64.0	8.6	7.9	25.9	3.6	18.0	33.1
$1,250 and over	59.1	8.0	6.2	32.4	2.2	10.2	38.2
No earnings	210.9	86.3	47.9	41.5	16.0	19.2	60.7
Not reported	139.7	41.1	16.4	49.3	16.4	16.4	41.1

* Based on the study of infant mortality in seven American cities.

† Deaths under 1 month per 1000 live births.

Source: United States, Children's Bureau, *Causal Factors in Infant Mortality*, Publication no. 142 (Washington 1925) p. 148.

come and employment of the mother away from home, which often necessitates artificial feeding, were contributing causes to the high infant mortality rate.

Race and nationality also are important factors in the survival of the infant. Table v shows the infant mortality rate in relation to the color and country of birth of the mother. These figures would have been more instructive if each of the groups were further analyzed as to earnings of father and employment of mother.

TABLE V

Infant Mortality Rates, by Color and by Country of Birth of Mother, in United States Birth Registration Area, 1925

Color and Country of Birth of Mother	Infant Mortality Rate
Total	71.7
White	68.3
Native born	64.9
Foreign born	76.8
Austria, Hungary	82.8
Canada	80.8
Denmark, Sweden, Norway	55.6
England, Scotland, Wales	61.2
Ireland	73.9
Germany	62.9
Italy	69.9
Poland	93.6
Russia	55.4
Other foreign countries	94.6
Negro	112.0
Other colored	95.6

Source: United States, Bureau of the Census, *Birth, Stillbirth, and Infant Mortality Statistics: 1925*, vol. xi, pt. ii (Washington 1929) p. 60.

It will be seen that infants of white mothers have a mortality only two thirds as high as have those of colored mothers. While infants of native mothers stand a better chance than those of foreign born, infants with Russian, Scandinavian, English or German mothers have a lower mortality, in the order named, than infants of native mothers. An analysis by race and nationality in the groups studied by the Children's Bureau indicated that differences in mortality rates by nationality were not due merely to differences in economic status or in types of feeding; in many cases the effects of differences in economic status and in prevalence of artificial feeding tended to offset each other. The Jewish group had a mortality rate strikingly lower than all other groups, including the native born; and this held good even in the presence of many other complicating factors usually contributing to a high death rate.

The mortality rates are slightly higher in urban areas than in rural districts, the rates for the birth registration area in 1926 being 74.2 for cities and 72.4 for rural districts.

Illegitimacy is another circumstance making for a very high infant mortality rate in all countries. Statistics for England and Wales (1920) show the effects of the handicaps associated with illegitimacy. In that year infant mortality rates for the illegitimates were 171.2 (male) and 140.4 (female), as compared with rates for legitimate children of 86.0 and 65.8 for males and females respectively. Here we have again as possible contributory factors the high percentage among illegitimate infants of artificial feeding and institutional or foster care; a low income or no income from the father; the likelihood of the mother's employment away

TABLE VI

INFANT MORTALITY RATES FOR SELECTED COUNTRIES

COUNTRY	1884–93	1915	1920	1921	1922	1923	1924	1925	1926	1927
Australia	—	68	69	66	53	61	57	53	54	54
Austria	249	218	157	154	156	141	127	119	123*	124*
Belgium	163	—	110	122	114	100	95	100	104	—
Bulgaria	—	—	146	158	155	165	150	152	127	—
Canada†	—	—	100	88	87	88	79	79	102	94
Chile	—	254	263	278	240	283	266	258	251	226
Czechoslovakia	—	—	178	173	—	147*	148*	146*	154*	157*
Denmark	134	95	91	77	85	83	84	80	84	83
Egypt	—	—	137	133	140	143	150	155	146	152
England and Wales	146	110	80	83	77	69	75	75	70	70
Finland	149	110	97	95	99	92	107	85	86	97
France**	167	142	99	115	85	96	85	89	—	—
Germany	—	168	131	134	130	132	109	105	102	97
Guatemala	—	130	81	76	92	79	81	99	104	89
Hungary	—	—	193	193	198	184	193	168	167	185
Irish Free State	—	85	78	73	69	66	72	68	74	71
Italy	190	147	127	129	126	128	126	119	127	120
Japan	—	160	166	168	166	163	156	142	137	142
Latvia	—	—	128	93	91	88	101	107	88	96
Lithuania	—	—	—	—	—	—	170	179	146	151
The Netherlands	175	—	83	85	77	66	61	58	61	59
New Zealand	—	50	51	48	42	44	40	40	40	39
Northern Ireland	—	107	94	87	77	76	85	86	85	78
Norway	95	68	58	54	55	50	50	50	48	51
Salvador	—	—	147	141	124	118	150	139	155	118
Scotland	122	126	92	90	101	79	98	91	83	89
Spain	192	152	165	147	145	148	140	—	—	—
Sweden	107	76	63	64	62	56	60	56	—	—
Switzerland	—	90	84	74	70	61	62	58	57	57
United States‡	—	100	86	76	76	77	71	72	73	65
Uruguay	—	111	117	107	94	104	108	115	93	106

* Provisional figures.

† Exclusive of Quebec for 1921–25.

** Omitting from calculation deaths of infants occurring before registration (within 3 days of birth).

‡ The United States birth registration area expanded from 10 states in 1915 to 44 states in 1928.

Source: The figures for 1884–93 are compiled from Mayr, Georg von, *Statistik und Gesellschaftslehre*, 3 vols. (Freiburg und Tübingen 1895–1917) vol. ii, p. 275. The other figures are taken from the statistical yearbooks of Australia, Austria, Belgium, Bulgaria, Chile, Denmark, Finland, Hungary, Italy, Japan, New Zealand, Norway, Spain, Sweden and Switzerland; annual reports of the Registrar General of England and Wales; *Bulletin de la statistique générale de la France*, vols. ix, x and xiii; *Statistik des deutschen Reichs*, nos. 276 and 307; *Bijdragen tot de statistiek van Nederland*; *Statistics of the Dominion of New Zealand*, 1920; annual reports of the Registrar General of Scotland; *El movimiento del estado civil y la mortalidad de la República Oriental del Uruguay*; *Annuaire international de statistique*; annual reports of the Registrar General of Northern Ireland and of the Irish Free State; Norges Offisielle Statistik, *Sundhetstilstanden og medicinalforholdene*; and Institut International de Statistique, Office Permanent, *Aperçu de la démographie des divers pays du monde.*

from home; and the comparatively low age of mothers.

The listing of various factors resulting in high or low death rates does not in itself give an explanation of the basic causes to which infant mortality is due. Many factors are present in each case; hence for any group as a whole the various influences overlap and are intricately related and interdependent. Thus while infant mortality varies with age of mothers, a higher infant mortality being associated with mothers at either extreme of the age group, complicating data of many kinds must be considered: racial factors, number of first births, intervals between births, numbers of premature and of plural births, health of mothers, extent of artificial feeding, economic status. Elaborate and careful calculations, therefore, are required in order to discover what element in the situation is decisive in any given group.

Concomitant with world wide advances in public health measures, infant mortality rates have been very greatly reduced during the past forty or fifty years. Comparison of the figures given in Table VI for the period between 1884 and 1893 with those for 1915 shows a remarkable decrease in all countries represented. The decrease has continued in the post-war period with only minor fluctuations.

ROBERT M. WOODBURY

Child Psychology. If this term were broadly construed to comprehend all knowledge and doctrine pertaining to the mental life of children the history of child psychology would parallel that of human culture. Even before man could formally write out his reflections on child nature he entertained notions and attitudes which constituted a primitive form of child psychology—a mixture of fact, inference, ignorance, philosophy, mores and sentiment. Modern child psychology has taken shape only within recent decades, and even today it has by no means escaped all of the imperfections of primitive psychologizing. With the employment of scientific method, however, errors are being steadily reduced and the manifold problems of child development are approached in a new spirit of rationalism.

The present widespread investigation of the child mind is itself a significant social symptom. It represents an increasing disposition to attribute even the phenomena of human behavior to natural rather than to miraculous causes. This rationalistic temper is dissolving the rigidities of dogmatic theology and of dogmatic ethics which so powerfully influenced the psychological attitude toward children from the time of St. Augustine to that of Jonathan Edwards—and of Charles Dickens. Pre-scientific interpretations of the mind of the child imputed to him a will separate from his general psychology, an almost demoniacal self-will born with his original sin and in no sense the natural product of individual development.

The newer interpretations of the child emphasize the unity of personality and are based upon biological concepts of growth and of organism. The child is regarded as part of the order of nature as well as of society, obedient in his behavior to laws ascertainable by methods of orderly observation, measurement and experimentation. Child psychology, even in its present undeveloped stage, has already opened up large areas of predictability and control in the domain of human behavior.

In its early modern development child psychology was closely identified with the history of elementary education, which had itself been profoundly affected by the industrial revolution. Comenius (1592–1670) in his *School of Infancy* (1633) and *Orbis pictus* (1658) and Locke (1632–1704) in his *Some Thoughts Concerning Education* (1693) foreshadowed the psychological approach upon problems of pedagogy which were elaborately treated by Rousseau, Pestalozzi, Froebel and Herbart. Although these educational reformers were in no sense technical psychologists their writings did much to humanize the care and discipline of children and to psychologize the educational process. They greatly advanced the genetic or developmental point of view, a remarkable achievement for a pre-Darwinian and almost a pre-biological age. Froebel drew upon horticulture and crystallography for some of his insights; Pestalozzi kept a diary of his newborn son; Herbart developed a semi-mechanistic associational psychology. The present day interest in the psychology of the preschool child was anticipated in three suggestively diverse directions—by Dietrich Tiedemann, a philosopher, in *Untersuchungen über den Menschen* (1777–78); by Robert Owen, a social reformer; by Madame Necker de Saussure, feminist, in *L'éducation progressive* (1828–32); and by Susannah Wesley (1669–1742), also something of a feminist, whose letters to her famous son John present an amazing picture of parental doctrine in the eighteenth century. Owen wrote glowingly on the perfectibility of the human infant and founded the first nursery school in the British Isles (New Lanark, 1800) as well as the first in the United States (New Harmony, 1826). The child study movements of the eighties and the nineties in the United States illustrated that mirroring of social settings and social strivings which has frequently characterized child psychology. There is a similar reflection in the nursery school movement both in England and in the United States. The relationship can also be observed in contemporary Russia, where it is asserted that the complex science of "pedology," first brought forth in America by G. Stanley Hall, finds a larger realization under favorable social conditions. The reciprocal relations between child psychology and ideologies constitute a persisting critical problem for the social sciences.

No one person can be counted the founder of child psychology; its scientific sources are international. Wilhelm Preyer, a physiologist, wrote in 1882 *Die Seele des Kindes* (5th ed. Leipsic 1900; tr. by H. W. Brown, 2 vols., New York 1888–89), a book intrinsically and historically of basic importance. G. Stanley Hall has claim to special mention because the child study movement of the late nineteenth century was predominantly an American movement of which he was the leader. He attempted, moreover, in his voluminous writings to set forth the ontogenesis and phylogenesis of the mind with the wide purview of Darwin. In his volumes on *Adolescence* (2 vols., New York 1904) and in numerous other penetrating and suggestive studies he made substantial and germinal contributions to the study of mental development. Among leaders and early contributors in other countries may be listed Bernard Pérez and J. G. Compayré in France, Paola Lombroso in Italy, James Sully in England and Ivan Sikorsky in Russia.

In its early period child psychology was largely descriptive and utilized simple, informal methods of observation. With the growth of technique in related fields of study, controlled and quantitative methods have come increasingly into use. The scientific literature has expanded with striking rapidity. Three trends are distinguishable in the development of recent investigations: the experimental, the psychometric and the psychobiological.

Experimental psychology, the first laboratory for which was founded by Wundt in 1879, has been chiefly concerned with the adult mind and has been bound up with introspection. But with the new realization that the understanding of this adult mind depends upon a genetic analysis of its early development the methods of the experimental laboratory have been carried to the lowest age levels. The techniques of physiology and of animal psychology are being adapted to the study of learning and conditioning in infancy. Both behaviorism, which is closely allied to physiology, and Gestalt psychology have an experimental interest in child behavior.

The nursery school movement in America has promoted child research as well as preschool and parental education. Such schools are functioning as university laboratories for the conduct of controlled observation. This observation is becoming more and more experimental in centers like those in Iowa, Minnesota and California in the United States, and in Geneva and Moscow abroad. Controlled studies of early social behavior have begun to figure prominently. The research clinic at Yale has made experimental use of the cinema for the normative study of developmental changes in the behavior patterns of the infant.

Psychometry, or the measurement of individual differences, is associated with the names of Galton, Cattell, Thorndike and Binet. The Binet measuring scale of intelligence has had a prodigious development in America and has with a host of related mental and educational tests created volumes of data for the study of the individual child and the group. Despite its errors and shortcomings the mental test movement has created a new technology of great social import. Psychometry has been most successful in the gradation and classification of differences of intellectual capacity, but it has not dealt effectively with the important factors of emotion, motivation and personality. Intelligence norms have had their widest application in the study of children of school age, but they are being rapidly applied to preschool children. Procedures for the developmental diagnosis of infants are being defined.

Individual or clinical child psychology may be regarded as a special development in the field of mental measurement. It represents an effort to use the techniques of psychology to appraise the abilities and developmental potentialities of both normal and deviating individuals and is becoming a supplement to clinical psychiatry in the fields of child guidance and of mental hygiene.

Psychobiology is a compound which reflects the current trend toward a monistic or organismic outlook upon scientific problems. In the sweep of this trend child psychology tends to lose a sharply defined identity and to merge with the investigations of the fundamental sciences. The traditional concept of a self-subsisting mind accommodates itself to concepts which integrate "psycho" and "soma"—concepts like function, stimulus and response, behavior, emergence, Gestalt, gradient, growth. Hence it is that the scope and content of child psychology are being profoundly affected by a wide ramification into the subsoil of psychobiology. The term "child development" has become a rival if not a substitute for "child psychology." It is a protean but useful term and surely symptomatic of the current trend of science.

The problems of child development involve such varied scientific fields as biochemistry, developmental anatomy, nutrition, anthropometry, anthropology, psychiatry, pediatrics and genetic, experimental, comparative and clinical psychology. Child development is fundamentally a branch of human biology—a focal field for psychobiological and medical knowledge converging upon the central problem of early human growth. This is of course a widely inclusive field of inquiry, but it is a legitimate one because the phenomena of growth are subject to general and unifying laws which can be formulated only by coordinated contributions from several scientific domains. Growth is itself a unifying concept which removes undue distinctions between mind and body, between heredity and environment, between health and disease and also between separate scientific disciplines.

This psychobiological concept of growth has important consequences for social welfare. It extends the scope of child psychology beyond traditional and academic limits and greatly augments the possibilities of safeguarding individual development from birth. In its special applied phases child psychology has become a distinctive feature of modern social organization, for it is being deliberately used as a scientific tool in the rational solution of age old problems of infant training, childhood education, the prevention and control of delinquency, the foster placement of dependents, the guidance of parents, the regulation of child adoption, the diagnosis of the defective and deviate, the management of the problem child, the care of the handicapped and maladjusted and the discovery and direction of superior abilities. Great and increasing numbers of children are now psychologically examined each year in public schools, in child guidance clinics, in institutions for the care of children and in child research centers. Although the available "psychotechnology" is imperfect and incomplete it is being used on an impressive and significant scale.

With the progress of psychobiological science this technology will steadily improve and the early span of human growth will come more fully under social control. Such control has been well established both in principle and in fact by the protection of the physical welfare of the newborn infant. But this is only the beginning of a policy of health supervision which must come to embrace mental as well as bodily welfare and to pay conservational heed to the preschool years of mental life. From the standpoint of developmental psychology the infant has a mind and a personality subject to the laws of growth. The scientific understanding of these psychobiological laws will lead increasingly to a constructive and preventive supervision of human infancy.

The protection of the infant's health widens to include his mental hygiene. The pressure of the great problems of mental defect and instability, of crime and malbehavior, demands a psychological science of childhood which in close association with the medical sciences can undertake a more conscious and systematic form of developmental supervision. The promotion of optimum growth, mental as well as physical, thus becomes a concept of public health and of social control justified by advancing scientific knowledge.

The more unconscious and subtle effects of child psychology are perhaps more basic for social organization than the obviously humanitarian. The human infant by reason of his unique position in this organization is a focus surcharged with social issues and social implications. Although he is a biological fragment of nature he is also meshed in a web of human relationships. The interaction between his organic make up and these social influences is the crucial problem of child psychology or of child development. For this reason the system of child psychology which any culture achieves is an index of that culture. And conversely the scientific study of the process of mental growth in infant and child becomes a touchstone for the deeper comprehension of the process of social organization itself. Accordingly child psychology belongs at once to the natural and to the social sciences.

ARNOLD GESELL

CHILD GUIDANCE. This term has acquired a specific connotation as applying to the branch of the mental hygiene movement which is concerned with the personality and conduct disorders of childhood and which takes account of the complex interactions between the child and his environment and seeks to help him gain a workable orientation to his world. Child guidance offers a method for the scientific study and treatment of children who through their attitudes and behavior in the home, the school or the community exhibit difficulty in achieving a satisfactory adjustment to the demands of everyday life.

There are many manifestations of personal maladjustment in children. In younger children especially these are for the most part certain unhealthy habits, such as thumb sucking, nail biting, enuresis, masturbation, eccentric bodily movements, food whims and so forth. Maladjustments may appear in undesirable personality traits—oversensitiveness, obstinacy, tendency moods, seclusiveness, constant quarreling, laziness, lack of interest or ambition, exaggerated timidity, restlessness or general nervousness. Other manifestations may take the form of antisocial tendencies such as lying, stealing, truancy, destructiveness, temper tantrums, suspiciousness, rebellion against authority, unhealthy sex interests or practises and the like. Occasionally it is found that problem children suffer from definite mental disorders. While the child guidance clinic sometimes deals with such cases, as well as with those of feebleminded and defective children, its work is properly only with children capable of a more or less normal adjustment.

Although the behavior problems of childhood and youth have long challenged the resourcefulness of child protective agencies, early efforts to deal with these problems lacked scientific direction. The child guidance movement, based on scientific principles of child study and adjustment, reaches back in its origins to the founding of the National Committee for Mental Hygiene in 1909; and its growth is contemporaneous with the development of interest in mental hygiene which followed.

Since the founding of the National Committee more and more attention has been devoted to the mentally ill. Not only has psychiatric treatment for maladjusted adults gained widespread support but there has been a shift of emphasis in both research and practise to the earliest years of life. This change may be traced to the growing acceptance of the validity of the genetic and dynamic concepts in psychology, which received its strongest impetus from the contributions of Sigmund Freud. Careful study of the developmental processes in the maladjusted adult furnished increasing proof that the roots of his difficulties lay in early infancy and childhood. A realization of the decisive character of these early years when attitudes are acquired which will affect the individual in later life opened the way for the application of the findings of psychiatry to the needs of the maladjusted child.

The first practical demonstration of a coordinated effort for child guidance was made by Dr. William Healy and his associates, who established in 1909 a juvenile psychopathic institute in connection with the juvenile court of Chicago. Dr. Healy's work in Chicago and later in Boston furnished much of the stimulus and justification for the present day child guidance movement. As early as 1896 a psychological clinic for children had been founded in Philadelphia, and although for a time it had few imitators, in 1912 the movement for organizing psychological clinics got under way and progressed so rapidly that by 1914 there were more than a hundred in the United States, functioning in connection with medical schools, hospitals for nervous diseases, state institutions, schools and courts. Many clinics which at first emphasized only mental testing gradually took over and applied to the study of the child the findings of psychiatry as these were developed. But the first well organized effort to promote child guidance clinics dates from 1921, when the Commonwealth Fund, as part of its program for the prevention of delinquency, inaugurated a five-year plan for the establishment of demonstration clinics in a number of cities throughout the country, the training of personnel and the provision of visiting teacher service in certain public schools. In 1927 there were, according to the *Directory of Psychiatric Clinics for Children in the United States* published by the Commonwealth Fund, nearly 500 clinics distributed through a majority of the states. In these clinics, which provided regular service for the study and treatment of juvenile behavior problems, over 40,000 children were treated during the year.

As every problem in child guidance is a problem of the "setting" or "situation" of the individual child it can be dealt with adequately only by taking into account all the relevant elements. It is of little remedial value to label a child thief, truant or coward if he steals, runs away from school or is easily intimidated, for behind these simple categories lurks a complexity of phenomena which can be understood only after a thorough study of the individual child and of the social and psychological setting of which he is part. Hence in actual practise child guidance is a question of team work, requiring the service of physician, psychiatrist, psychologist and social case worker.

Problem children are brought to the clinic by parents, teachers, probation officers, church workers and various social agencies. In each case the data obtainable from a thorough investigation are first secured, after which the child is given a careful medical examination, a detailed developmental, psychological and educational survey and an intensive psychiatric test. In its work with problem children the clinic utilizes all available scientific techniques and aims to furnish continuous, constructive treatment until the needed adjustment is achieved. In this process of adjustment, which often involves the remaking of the environment, the social worker is of key importance. One of the services most frequently required is that of obtaining vocational guidance for the older child.

In Europe there is little of the continuing treatment and clinical supervision of noninstitutionalized problem children which has become established in the United States. In Great Britain the 1923 Home Office report recommended the establishment of observation homes for psychological treatment in connection with the juvenile courts. The Tavistock Square Clinic in London now renders psychiatric services when called upon by the court. In Berlin nerve specialists connected with the juvenile courts make thorough examinations at the request of the judges, and the Jugendamt gives probationary supervision. In Austria there are psychiatric clinics attached to the juvenile courts. These courts have jurisdiction not only over delinquents but over dependent and neglected children as well. The Austrian school system keeps a record of the child's health and development, his habits, emotional reactions and, later, vocational preferences. Although these records are kept throughout the entire school course they are based only on the statements of school physicians and teachers and are used merely to supply data for vocational guidance. The central Office of Vocational Guidance in Vienna has a psychotechnician as liaison officer with Professor Bühler's Institute of Psychology, to which maladjusted children can be referred. Finally, the public *Hilfschulen*, or special schools, make provision for problem children. Russia has begun to establish a nation wide mental hygiene service with clinical facilities available to both children and adults.

In South America, also, there are beginnings of a child guidance movement. Colombia has recently instituted the requirement that all delinquent children be given a medical and psychological examination by a doctor who acts as adviser to the juvenile court judge. In Brazil and in Argentina recent legislation provides for the assistance of doctor-psychologists in connection with the juvenile courts.

The therapeutic and educative influence of the child guidance movement usually extends beyond the individual child to the parent, the school and even the agents of law enforcement. Child guidance is contributing much to the content and method of the educational process and is making itself felt in a better understanding of personality and conduct values in family life. The movement aims also to extend its influence to the playground, the workshop and the community itself, with a view to eliminating the obstacles to healthy development. In its broader educational aspects the child guidance clinic has come to be a community enterprise, concerned not only with the maladjusted child and the individuals immediately surrounding him but with the wider application of principles of mental hygiene by various social groups. In some cases interest in child guidance has been directly responsible for new legislation and for the adoption of new standards of social practise. As a part of the larger mental hygiene movement child guidance has deeply affected the general field of social work, and the curricula of the various schools of social work are giving more and more attention to personality problems, both normal and pathological. A similar influence is becoming evident in the rapidly growing parent-teacher movement and in the popular interest in child study.

It is impossible to estimate how much individual and social maladjustment and suffering are being prevented by clinical work in child guidance. The aim of the child guidance movement is to make available to all children the mental hygiene principles and technique which have come to light as a result of the clinical work with maladjusted children. If every child upon entering school could have the benefit of such a thoroughgoing personality study as is at present available for those children who have already become maladjusted, much of the later work of reconstruction and rehabilitation could be avoided. With the broadening of its field to include a greater emphasis on educational and preventive work the child guidance movement is beginning to be not merely a service for maladjusted children but, as its name in the larger sense implies, a means of guiding all children to a stable life adjustment on the basis of the fullest utilization of their powers.

Bernard Glueck

Child Marriage. *General.* Child marriage, in its narrower sense, means prepubertal marriage, although it is used also with reference to early marriages in complex societies where economic rather than sexual difficulties are involved. In any discussion of child marriage it is necessary to distinguish three aspects: betrothal, sex relations and the establishment of a home as an independent economic and social unit. In our own civilization these three aspects of marriage form an intimately associated complex, and we have come unconsciously to regard them as essential features of child marriage. Consideration of the subject has therefore been confused. Thus regions where the custom of child betrothal is prevalent are often regarded as areas of child marriage, although the betrothal is often an economic interfamilial contract having nothing to do with prepubertal sex relations or the establishment of an independent home. Again, the aspect of prepubertal sex relations may be emphasized and child marriage condemned because of its deleterious physical effects. But while prepubertal sex relations and the institution of child marriage are found together, in many cultures they are not at all connected. Institutionalized infant marriage is often accompanied by strict observance of childhood chastity. Indeed, physical consequences of prepubertal intercourse must be studied quite apart from child marriage, for the institutionalization of premarital sex relations among children is very much more common than that of prepubertal marriage. In regions of central Africa where marriage does not take place until after adolescence, sex play is encouraged among children and no notice is taken of a girl's relations even with older men until she is adolescent. While the third aspect of child marriage, the establishment of an economically and socially independent home, is generally stressed in discussions of child marriage in America and western Europe, the problem is as a matter of fact usually non-existent. Since the economic unit of most societies is larger than our isolated family group (the "house group" includes a number of what we call "families," grouped by relationship bonds traced through the women or the men) the economic position of a couple as part of a larger unit is much the same after marriage as it was before. To emphasize in a study of such societies the economic reasons for which child marriage is condemned in our own civilization is to distort the problem.

The only sexually important feature of child marriage is of course that of prepubertal sex relations, which may consist of either sex play of pre-adolescent age mates or intercourse of mature men with girl children. Either of these may be institutionalized in connection with or apart from child marriage and neither is an essential concomitant of it. The first has been most fully described by Malinowski in his study of the Trobriands of northwestern Melanesia (*The Sexual Life of Savages*, ch. iii), among whom dalliance, beginning almost as soon as babies start to play together, is encouraged by the elders. It may well be doubted, however, whether this fundamentally affects the sex cycle of either girl or boy; neither here nor in the regions of central Africa (Johnston, Harry H., *British Central Africa*, p. 408, note i), where the same custom prevails, is there any reliable information as to the age of potency in boys. The case is different with intercourse between girl children and mature men, a practise which is not frequently found in the New World but recurs in almost every great area of the Old. It may, as among the Arawa of southern New Britain, be associated with marriage; or among many tribes of British Central Africa, as we have mentioned, it may be a premarital requirement, marriage being postponed until puberty. Among the Akamba in British East Africa a girl is not thought desirable in marriage until she has conceived (Eliot, C. N. E., *The East Africa Protectorate*, p. 125).

Infant betrothal, sometimes confused with child marriage, often serves actually to tabu premature intercourse. In the Admiralty Islands in northwestern Melanesia the betrothed girl, often very young, must cover herself with mats in any encounter with any male of the whole kin group of her fiancé. Among the Yoruba of west Africa (Ellis, A. B., *The Yoruba-Speaking Peoples of the Slave Coast of West Africa*, p. 154) the virginity of the bride is of importance only if she has been betrothed in childhood, in which case tokens of virginity must be produced even though the marriage does not take place until she is adolescent. Among the Ibibios of southern Nigeria (Talbot, D. A., *Women's Mysteries of a Primitive People*, p. 88) the distinction between infant marriage and prepubertal sex relations is even more pronounced. While infant marriage is not uncommon, and the bride is taken to her husband's home, intercourse before her maturity is forbidden, and if its occurrence is proved the family can claim her back without returning the dowry.

It is often very difficult to determine from the available material the relation of child marriage to prepubertal sex relations. In Australia, for instance, child betrothal is universal and the mother of a wife to be is called mother-in-law even before the birth of the promised child who will later be the bride; similar forms of address are employed toward all her kin group. Prepubertal sex relations, however, are rarely mentioned. Spencer and Gillen (*The Native Tribes of Central Australia*, p. 92) give the age of consummation of marriage at between fourteen and fifteen, but Malinowski (*The Family among Australian Aborigines*, p. 257) concludes after a survey of all the material that the usual age is between ten and twelve.

India is of course the country where child marriage is most striking. Child betrothal is here universal with the exception of some native tribes least touched by Hindu influence. According to the religious code it is a sin on the part of the father if his daughter is not married in childhood. There is, however, a wide range in the date of consummation of marriage. In the western provinces especially it is essential that there be two ceremonies separated by an interval of from three to eleven years as determined by the girl's parents. The custom of early consummation of marriage is most widespread in the eastern provinces, particularly in Bengal, where the canonical rites of Hindu marriage require girls of the highest castes to commence married life at nine years of age.

In India, as is generally true of primitive peoples also, the problem of pre-adolescent establishment of an independent home does not arise. The husband is customarily a mature member of the community, and the child bride is taken into his household without her being assigned any serious responsibilities. As we have seen, even in cases of early marriage between age mates in primitive tribes the responsibilities of the married couple are not materially changed because of their relation to the larger house group.

In western civilization, on the other hand, marriage means setting up an independent family. In order to assume the economic burden of a family the husband must be master of some trade or at least able to qualify for a job in competition with men. The complexity of modern civilization has therefore made child marriage a special social liability. But this is a problem rising out of special social conditions and special traditions as to what is involved in marriage, as we imply in every discussion of the different ages that constitute "early marriage" in different economic classes of our own society.

If in connection with the establishment of a home child marriage is a social matter having different implications according to the customs and conditions with which it is associated, this is equally true in its relation to the status of women in any society. Women may have high status in societies in which infant betrothal and prepubertal intercourse are practised; on the other hand, adult marriage may be the rule where women have exceptionally low status. There is no necessary connection. In tribes as far apart as the Iroquois and the Masai of east Africa marriage did not take place until both parties were about thirty years of age. This, however, was not indicative of the high status of woman since her position was high among the Iroquois and low among the Masai. Although marriage was in both cases postponed because of its incompatibility with warfare, the idea was differently developed in the two regions. Among the Iroquois relations with a woman weakened a man's war magic and were therefore eschewed by warriors. Among the Masai it was the responsibilities of a householder that were avoided, and until a man had passed the age from which warriors were recruited he lived in a bachelors' kraal and had free access to the kraal of the unmarried women.

Only in our own civilization has this connection between postponement of marriage and the improvement of the status of women been emphasized. As with other aspects of child marriage, this one is a function not of prepubertal marriage or even of "early" marriage per se, but of special social conditions which in their totality in a special culture have made the association inevitable.

Ruth Benedict

United States. In the United States the term child marriage refers usually to marriages in which one or both of the participants are under the age of sixteen, and according to available statistics applies almost entirely to girls. Such statistics are for the most part incomplete due to falsification in order to evade legal age minima. The census of 1920 recorded 12,834 married girls of fifteen years of age and 5554 below that age. There were also 825 widowed or divorced girls fifteen years of age or younger.

Child marriage occurs more frequently in rural than in urban regions and is particularly conspicuous in isolated sections such as are found in the southern Appalachian mountains. It is most common, however, among Negro girls and among those of foreign birth, especially Italian. Many of the native white girls who figure in child marriage statistics are mentally deficient or delinquent, but many others are of apparently normal equipment, sometimes belonging to families of established, middle class background. Their marriages are often hastily contracted, usually without parental consent. Some parents, however, consent to child marriage because sex relations have taken place; in such cases some insist upon marriage under threat of criminal action against the boy or man concerned.

A scientific study of the outcome of child marriages would present many difficulties and has never been attempted. But social workers have recorded so many cases in which the marriage of young girls has been marked by general domestic discord often ending in annulment, divorce, desertion or separation that a presumption is created against the practise. Such medical or biological testimony as is available indicates that as a rule maternity imposes a physical strain upon girls under sixteen which they are not fitted to bear. Nor are they better qualified for the difficult task of caring for children in an advanced civilization. Statistical evidence on these points is inferential, for in existing studies separate figures for mothers under sixteen years of age are meager and thus far unanalyzed, but extremely youthful motherhood seems to be unfavorable to survival both of the mother and of the child. Similar conclusions regarding infant mortality were reached from a study of the 1911 census of England and Wales, some evidence being offered, however, that such a situation was due rather to the inexperience of very young mothers than to any physical causes.

On January 1, 1928, in twelve states there were laws permitting twelve-year old girls to marry, provided their parents consented. In ten states and the District of Columbia the minimum age was fourteen years, in seven it was fifteen, in eighteen it was sixteen and in New Hampshire alone it was eighteen. Where the legal minimum age is highest exceptions are usually allowed, the most frequent reason for such discrimination being expectancy of motherhood. The law prevailing in most states that girls unless gainfully employed must attend school until the age of sixteen is generally not enforced in cases of married girls. Falsification undermines the enforcement of legal age requirements and a few marriage license issuers have demanded evidence more reliable than the affidavits of contracting parties. In 1927 New York state created a precedent by requiring documentary evidence of age from all applicants for marriage licenses who seem to be less than twenty-one.

Fred S. Hall

Dependent Children. The term dependent child is commonly applied to a child who is dependent upon others than his own parents. A distinction is made in both legal status and common usage between neglected children, whose parents treat them cruelly or deprive them of adequate care, and dependent children, who have lost either one or both parents or whose parents are unable to provide them with the necessary minimum of food, clothing and shelter.

With rare exceptions the social problem of child dependency is linked with that of poverty. In many cases the causes are more immediate and direct: the death of parents, the breaking up of homes by desertion, separation or divorce, the imprisonment of the father or the inability of the unmarried mother to support her child. In many of these instances slipshod management, undesirable living conditions, drunkenness and the physical and mental incapacity of parents to care for children are more dominant factors than the economic status of the family. In others child dependency is directly caused by poverty resulting from such factors as unemployment, sickness or low earning power. The various types of social insurance in effect in many European countries and to a lesser extent such measures as workmen's compensation insurance in the United States help to regularize the family income and hence to keep children from becoming dependent. In general, every improvement in the social and economic status of the great masses of population has its reverberations in the extent and type of child dependency. Activities designed to maintain the home and advances in the field of child care are preventives. As war is one of the chief causes for child dependency on a large scale, all efforts designed to restrict it have a direct effect on the problem.

Such broad programs aim at the removal of the causes of child dependency. Where child dependency presents itself for immediate adjustment, however, temporary or in some cases permanent substitutes for parental care must be planned.

The most common form of supplementary care for dependent children in their own homes is the allowance given to mothers through state or national aid. Organizations for children's aid and family case work also contribute, though in extremely small proportions, to the support of dependent children in their homes. Temporary or permanent care may be given in an institution or in a private home; the latter may be either a free or a boarding home. Costs of such care are borne sometimes by public funds, sometimes by private charities or by both. In the United States the institutions are usually of a sectarian character; approximately one tenth are under public auspices.

Among the various peoples recognition of the problem of dependent children and the concept of the minimum provisions necessary to them have varied widely from time to time. For any but nomad peoples there can be only two substitutes for parental care—some other family home, corresponding with what we now call the foster home, or some larger group, the institution. The records of ancient civilizations show little organized effort along these lines. Provisions for adoption in the Hammurabic code were evidently framed more for the protection of the new parent than of the child. In Greece and Rome there undoubtedly existed individual adoption in cases where the parents had died, as well as in cases where children were rescued from the widespread practise of infant exposure. In Athens some provision was made for children whose fathers had fallen in battle. In contrast, the conscious Jewish tradition of providing for dependent children dates back to several centuries B.C. The synagogue was, and to a great extent still is, for the Jew, the center not only of religious but of social and philanthropic activities. These activities include support of the poor, education of their children and community responsibility for orphans. Many of the communal customs regarding marriage had as their basis the preservation of the family unit.

The spirit of regard for the dependent child, implicit in many passages of the Old Testament and the Talmud, was confirmed and reinforced in the teachings of Jesus. The definition of religion in the *Epistle of James* includes the duty of visiting the fatherless and the widowed. As the early Christians formed congregations they seem to have added to their individual efforts the simply organized help of deacons, who distributed collections from members of the congregation to those in need. This help also included the payment to widows of a sum of money to enable them to care for their children at home and the device of paying widows to care for orphans. In some instances two or more widows were paid to come together in a larger dwelling and to take several orphans for care. These practises may be taken as the precursors of the mother's pension, of the system of boarding out and of the institution for dependent children. During the following centuries small groups under the influence of church and synagogue, however mistaken their methods may have been, constituted persistent germinal units for organized care of dependent children. During the Middle Ages there developed throughout most of western Europe various extra-parish forms of care. These included the establishment of hospitals and provision for the care of dependent children in monasteries, orphan asylums and foundling hospitals.

So long as the feudal unit of economic and civil life prevailed in western Europe the status of an individual in the self-sufficing manorial community was such as to give the dependent child some recognized right to support within the economic group. Where the church parish coincided in area with the manor, as it often did, church charity could all the more easily furnish what support the child lacked under the custom of the particular manor.

When the self-sufficing feudal life in England began to disintegrate, after the middle of the fourteenth century, the individual no longer had a claim upon the manorial group. The number of wandering, begging and destitute persons had become so great by the time of Elizabeth that the previous statutes culminated in the 43rd Statute of Elizabeth in 1601. In this statute England recognized for the first time the duty of the political or civil state to make some provision out of taxes for the care of all persons, including children, whom family care, church charity or private generosity still left destitute.

This statute provided for the earliest variety of foster family care for dependent children through the simple adaptation of the indenture foster home of the guilds, already used by parents who wanted their children to become artisans. Such apprenticeship and indenturing was under the direction of justices of the peace of the English parish. By this device the dependent child, if not too young, could begin to pay at once for his own keep and before the end of his indenture period, at the age of from eighteen to twenty-four, could also pay back the principal and compound interest on any deficit incurred by his employer.

The earliest public institutional care for dependent children in England was provided in the workhouse, an existing institution for adults founded through private initiative. Into the mixed public workhouse, sometimes called poorhouse or almshouse, there were gathered not only children and the aged and more destitute adult poor but the blind, diseased, feebleminded, immoral and insane. Later it became the accepted practise to put into the almshouse the dependent child who was too young to work and immediately to indenture older children. Recognition of the terrible experiences of dependent almshouse children who were indentured in groups to work in factories and mines resulted during the early part of the nineteenth century in some of the first statutes directed against the abuse of child labor. Indenture is still used to some extent in England to enable children leaving institutions at working age to attain self-support, but it is regulated by statute.

Partial substitutes for almshouse care were the orphan asylums founded by religious or other private groups in the eighteenth century, the number of which grew rapidly in the early part of the nineteenth century. Segregation of children from the adult population of the almshouse was begun after the report of the Royal Commission in 1834, although two or three thousand children, not all of whom are accompanied by their mothers, are still to be found in almshouses. The institutions used by the poor law authorities for this purpose were workhouse schools, which did not wholly segregate children from the adult poor; separate schools, which were residential and thus effected segregation of the children; and district schools, which were merely separate schools supported by several poor law unions of a district. Some of the congregate buildings of the separate schools housed over one thousand children and were later called barrack schools. When the separate and district schools were composed of several small buildings adjacent to one another they were called grouped cottages. The latter correspond to what is in the United States called the cottage type institution.

Another type of institutional care, the scattered home plan, was adopted in England by the Sheffield Poor Law Union in 1893 and is now widely used. Under this system the cottages instead of being grouped are scattered on different streets of a town and each cottage has its own matron or house mother. The children usually go to the nearest public school and share more or less in the local community life. At the present time the poor law unions of England not only maintain these public workhouse schools, separate schools, district schools and scattered homes but also pay for children whom they send to various private institutions and agencies certified by national authority. These certified institutions include special establishments for deaf, blind, crippled and feebleminded children.

In Scotland the poor law authorities did not resort extensively to the almshouse and private institutions for the care of the dependent child, although such institutions existed. They adopted and still use the method, which originated in the parish, of paying widows or married couples to take one or more dependent children into their homes. Probably over 90 percent of the dependent children in Scotland are "boarded out."

After qualified approval in 1868 by a public official this method of boarding out was slowly introduced into England. Several unions had previously used it without the knowledge of the national poor law authority. Boarding out, if it takes place within the territory of a particular poor law union, is called "boarding out within the union" and, when children are placed in homes of another union district, "boarding out without the union." In either case there is usually a local unpaid committee of citizens, including women, who serve as overseers. There is also inspection by national authorities, especially of children boarded without the union.

Since the war adoption has for the first time become legal in England and two societies have been actively promoting foster care by this means. Except in the case of adoption foster family care without pay has not developed to any appreciable degree. Another form of public aid supplementary to parental care is a system of pensions or insurance to the widow and dependent children of an insured person. In addition to public care England has many private institutions, agencies, emigration societies and the like, some of which board children out. The general tendency both in institutions and in organizations supervising boarding out has been to provide such care and education as will enable the individual child to earn his own way at a reasonably early age and thus to prevent a consciousness of dependency which might lead to pauperism.

Neither the institution nor the foster home monopolizes the field of dependent child care. In 1926 there were in England about 69,000 dependent children, of whom over 10,000 were boarded out, 18,000 placed in workhouses, 32,000 in poor law schools and the rest in other institutions. In 1928 this number was considerably reduced for all groups due to the operation of the widows', orphans' and old age pensions.

In the United States similar provisions have been made for dependent children: first almshouses; then special institutions, with indenture as a supplement or substitute; the gradual shifting of emphasis to foster home care; and the enactment of mothers' pensions as a way of maintaining the home.

Mixed almshouses and indenture provided most of the care for dependent children in the older states for the fifty years preceding 1875. As early as 1729 a separate institution for dependent children was established in connection with the Ursuline convent in New Orleans in order to shelter children orphaned by Indian massacres. The first publicly supported institution was founded in 1790 by the city of Charleston, South Carolina. During the nineteenth century an increasing number of orphan asylums were established mainly by religious, social, fraternal and in some few instances nondenominational groups. Indenture was frequently resorted to by poor law officials, but after 1853, especially under the leadership of the Children's Aid Society of New York, care for considerable numbers of children of working age or approximately of that age was provided without the form of indenture in free foster families. Indenture now survives in strict legal form in only a few states, although it was used by a public institution in Wisconsin until 1925.

After 1883 the movement to place children in permanent free foster homes gained further support. Following the formation of a society later known as the Illinois Children's Home and Aid Society some thirty similar societies were founded, chiefly in the Middle West and South. These organizations, privately administered and state wide, were usually called state children's home societies and later merged in the National Children's Home and Welfare Association. Through their efforts infants and young children, many of them illegitimate, were placed out and as a rule legally adopted. Children over six were not so frequently adopted through legal means. One of the difficulties encountered was the frequent separation of children of the same family. An effort was made to provide the older children with schooling and to safeguard them from overwork, and in most cases the legal form of indenture was not used by these free foster home agencies. Nevertheless, the desire for cheap child labor was too often a factor in the decision of a family to provide a home for a dependent child.

About the same time boarding home care of children was introduced. In 1868 the Massachusetts State Board of Charity began the method of boarding out at public expense, and the system of boarding out was advocated by the Boston Children's Aid Society and the Pennsylvania Children's Aid Society.

Meanwhile, especially after 1875, the unsegregated care of dependent children in the mixed almshouse met with increasing opposition. Most states have now made the care of children above the age of three in such institutions illegal, but in 1922 over 4000 children under sixteen years of age were admitted to the almshouses in all but three states.

Nor was the housing of children in orphanages and other special institutions left uncriticized. Although hundreds of such institutions had been established in the nineteenth century, improvement in aims and methods was slow throughout the period. At the White House Conference on the Care of Dependent Children called by President Roosevelt in 1909 it was declared that "the carefully selected foster home is for the normal child the best substitute for the natural home," a finding reaffirmed by an international conference held in Washington, D. C., in 1919 under the auspices of the United States Children's Bureau. Nevertheless, it was officially reported in 1923 that the proportion of children boarded out, based on the total number of children cared for away from their own homes, was less than 1 percent in twenty-two states, while ten more states had less than 5 percent boarded. In six states no care of children in boarding homes was reported, although only two states were without some free foster home care.

The 1923 census for dependent, neglected and delinquent children (about seven eighths of whom are non-delinquent) gave a total of 404,678 children under supervision, of whom 204,888 were in institutions or receiving homes, 121,441 in their own homes, 51,164 in free foster homes and 22,281 in boarding homes. The largest group of these 400,000 children was 138,760 dependent children in institutions primarily for such children; the next largest group was 121,000 supported in their own homes by public aid to mothers.

Among agencies concerned with the placing of dependent children in free foster homes the National Children's Home and Welfare Association, a federation of state and other child placing agencies, has the widest scope. The member societies usually have receiving homes, in most of which children are given medical care and, in some, psychological examinations as well as corrective treatment. Placement and follow up work of widely varying standards are then done. The New England Home for Little Wanderers, the Lutheran Kinderfreund societies and many Jewish, Catholic, Protestant, non-demoninational and fraternal children's agencies are also engaged in the work of child placement. Placement under state and county auspices is also growing. The American Legion has a remarkably differentiated national program for the care of children of ex-service men. Wherever poverty is the only cause of dependency the maintenance of the child in his own home through some form of mothers' pension is increasingly recognized as the most desirable method of care for the child.

The cost of care of dependent children in their own homes is as a rule less than the cost of their maintenance in a well equipped institution. New York finds it to be about $28 a month in an institution and a little over $15 for the same period at home. Of the three types of care this has had the briefest history as an organized procedure. The first state law for mothers' pensions was enacted in Missouri in 1911; the movement spread rapidly and in 1913 eighteen states adopted such laws. Mothers' pensions or some form of public aid to widows for the care of children in their own homes is now provided in all but two states. Faulty administration due to defects in mandatory provisions, insufficient appropriations and the like have made the benefits from this legislation fewer than they might be.

In France the system of public care dates from the time of Napoleon. Provision is made for public care of dependent children in boarding family homes to supplement provisions made by church congregations, foundling asylums and orphanages. The expense of public care is shared by the local commune, the department and the national government. Inspection is directly under the prefect of each department subject to the general control of the state minister of the interior. A majority of war orphans, *pupilles de la nation*, have been cared for on the same general plan of family home care, although with different procedure. By special arrangement some of these war orphans have been cared for in private institutions.

In 1922 Germany established a youth council, or Jugendamt, for each local unit of government or group of such units. These youth councils are centralized in provincial offices and act as guardian to each dependent child. According to the law it is the duty of the youth council to act as a link between the state and the child and between the child and such authorities as the guardianship tribunal, children's courts, poor law authorities and the like.

In Germany more than a third of a million mothers are receiving widows' pensions.

In nearly all the European countries which took part in the World War the great increase in numbers of dependent children and the curtailment of personal, charitable and religious resources threw extra burdens upon the various taxing bodies both for direct care of dependent children and for subsidy of the great numbers of private institutions and agencies. Foster family care has been developed to supplement institutions, and to this movement the temporary relief agencies such as the Red Cross and the Near East Relief have contributed. Their work has included placement of children who were made destitute by the war and for whom there has been no room in institutions. They have sought to place older children who have been discharged from institutions in self-supporting positions in the community. In most European countries, because of the small number of training schools, competent supervision of foster family care is not yet as general as it should be.

Russia delegates the care of dependent children, whose numbers were vastly increased by the famine in the post-war period, to the commissariats of health and education. Under their direction every effort has been made to avoid mistakes committed by institutions in less centrally supervised countries. Conditions and facilities differ, however, in the ten autonomous provinces and eighteen autonomous republics. Altogether there are thousands of institutions and a few colonies and communes for dependent children, all under public auspices, supervised by the commissariats and supported mostly by provincial and smaller local governments. Recently the emphasis on institutional care has been modified by a realization of the importance of home or foster home care.

In Turkey in addition to the orphanages, of which most are in Constantinople, there is an incorporated private enterprise, the Turkish Association for the Protection of Children, with headquarters in Angora and with hundreds of local centers. This organization has a large budget from various private sources and a small government grant. It is not only doing preventive, protective and health work but developing better institutional and foster home care of dependent children.

New Zealand's thoroughgoing system of infant care has stimulated similar treatment of dependent children in foster homes. A well organized system of widows' pensions is extended to certain groups of needy mothers and there is also provision for dependent children of insured persons. In Australia institutional care is still provided, although in several states the Scottish practise of boarding out was adopted and has been carried on for many years under the direct supervision of a children's department. Recently a beginning has been made in boarding some children with their own mothers or providing widows' pensions.

No one system is able to meet the needs of all dependent children. Recent developments in psychology and psychiatry have emphasized the need of a stable home life for the child and the importance of emotional attachments in the earliest years and have shown the urgency of maintaining the home wherever possible. Yet a recent study of children in foster homes in an eastern state showed that more than three fourths of them had been taken from home conditions which were definitely bad. In such cases the foster home, free or boarding, may offer the best possible substitute for the child's own home. The boarding home is particularly useful for temporary cases, such as sickly, malnourished or problem children who are not suited to the free placement which often leads to adoption. Free homes sometimes offer the child the greatest opportunities but may be unsuitable for children whose kinship ties should not be broken and who are likely to be claimed later by relatives.

Although the foster home is considered the better form of care for most dependent children, the institution is still predominant; and especially in view of some of the recent reforms in the aims and methods of the best of them the institution has a definite place as an observation center and as a means of temporary care for children needing extensive health services. As foster family home facilities now exist, the institution has the added advantage of enabling children who are to be away from their families only temporarily to avoid forming other family attachments; or it may house, although not as a rule in a united group, a family of brothers and sisters too large to be easily placed in a private home.

In any method of care which may be given the dependent child expert case work is needed. Home conditions must be investigated, emotional assets used and efforts made to maintain the home or to reconstruct it. The child must be given whatever clinic services are necessary and in an institution he must receive individualized opportunities for study, play and vocational guidance. Boarding and free foster homes must be investigated and suited to the individual child, who must be enabled to become self-supporting and must receive such after care as will insure the most effective use of his native capacity and of the training and treatment he has received.

HENRY W. THURSTON

NEGLECTED CHILDREN. The term "neglected children" might in a general sense include any children whose interests are not properly protected by responsible persons, organizations or governmental bodies. In technical usage, however, the term is restricted to those children who come to the attention of the social agency or court because of the wilful or deliberate neglect of one or both parents. At law and in professional social work usage "neglected" children are distinguished from "dependent" children who are under the care of a social agency, institution or court because deprived of the necessities of life by factors other than intentional neglect of parents.

The two groups are not always sharply differentiated either by statute or by the measures commonly taken for their assistance. A certain amount of neglect is frequently associated with dependency or delinquency, a fact which inevitably leads to confusion in treatment. The problems presented to the court or the case work agency in dealing with the parents of each group are, however, quite distinct. In the case of a dependent child plans for improving the child's condition are made on the theory that the parents are in a cooperative attitude, whereas with the neglected child the parents are likely to be hostile to the supervisory organization's proposals.

In sections of the United States, however, where child protective work or care of neglected children has been widely developed, as in Massachusetts, New York and New Jersey, we do find a clear cut legislative distinction between dependent and neglected children. In these states when a dependent child is removed from his home and parental control the change of custody is effected without the intervention of the juvenile court, while a neglected child under similar circumstances is invariably brought before the court on the theory that he is or may readily become delinquent and is likely to need the supervision of the juvenile court.

The first organization to undertake the protection of neglected children was the New York Society for the Prevention of Cruelty to Children, founded in 1875 by Henry Bergh and others. There were already in existence in many cities humane societies whose aims included the protection of animals, old people and prisoners. Most of these later added to their already diversified activities the protection of children, which, however, seldom became a very important factor in their programs. Flagrant instances of cruelty to children convinced the founder of the New York society that there was a need for an organization devoted exclusively to the legal protection of neglected and abused children.

Shortly after its formation similar societies and protective agencies were organized in other states and cities of the United States. The scope of their protective work has to some extent been influenced by the development of the New York society. Founded as an organization for the enforcement of law this society was concerned primarily with the rescue of any child suffering from brutal treatment or living in degrading surroundings. It began a vigorous program to this end, appearing in court for children, presenting evidence in the prosecution of the guilty and acting as custodian and guardian when so appointed. Whenever it found no sustaining statutory provisions for dealing with neglected children it became active in securing the necessary legislation. It did not concern itself with the causes which led to child neglect nor, except incidentally, with their removal. This attitude was not clearly indicated in a suit brought by the society to prevent the State Board of Charity from exercising powers of inspection and supervision. In the final decision of the New York Court of Appeals, rendered in 1900, the court upheld the view that the society was law enforcing rather than charitable and therefore not subject to the control of the State Board of Charity. In its specialized sphere of law enforcement, however, the New York society early set a standard of efficiency which became a model for other similar agencies. Moreover it imposed upon the entire movement its own increasingly narrow interpretation of function. Mangold in his *Problems of Child Welfare* (New York 1924) has attributed this concentration on legal prosecution to the close historical and functional association between the efforts to prevent cruelty to animals and those to prevent cruelty to children.

In many instances, however, organizations which followed the general policy of the New York society did not resent being classified and supervised as charities. A few others, such as the Massachusetts society, outlined a broader program from the beginning, and it is from these that the most constructive work of child protection has come. These societies in stressing preventive and constructive work have cooperated with other child welfare or charitable agencies. The principle of retaliation against the parent, which usually took the form of legal removal of the child, has inevitably given way to attempts to reorganize and reconstruct family situations conducive to child neglect. At the present time even the New York society has broadened its scope, seeking removal of the child "only when imperative" and encouraging guardians to reconstruct their homes.

A broad program of protection for neglected children should, and in most instances does, include far more than mere protection from physical cruelty on the part of parents or employers. Child protective agencies early in their history took into consideration the need of regulating the employment of stage children, especially young vaudeville and acrobatic performers. But many forms of exhausting, degrading and crippling child labor still stand sorely in need of regulation. There is an ever widening recognition of the necessity for protection from various immoral associations in the home, in the street or in the course of the child's occupation which are likely to contribute to juvenile delinquency. Less obvious cases, such as those of undernourished, defective, crippled and other handicapped children needing suitable medical and surgical care, are coming within the scope of these societies. Recognition of problems of child neglect arising out of the lack of supervision where the mothers go out to work has brought cooperation with the appropriate public or private agencies. Illegitimate children are a group particularly likely to be neglected, and special if not altogether adequate legislation, such as regulation of baby farms, has been enacted through the efforts of protective agencies. Jewish social agencies have in forming a National Desertion Bureau made a unique effort to cope with cases of neglect arising out of desertion by the family wage earner. In the case of children of immigrant parents, who are not familiar with the chances for delinquency offered by a complex social environment and are accustomed to standards of child welfare differing widely from those of the American community, obviously something more is needed than purely punitive measures of correction.

A comparative analysis of the types of cases handled at various stages of the movement for child protection indicates this broadening tendency. The first twenty-five cases of abuse reported by the New York society were characterized as follows: beating or other physical cruelty, 13; children begging and accompanying an organ grinder, 2; children sent out by parent or guardian to beg, 2; attempted assault, 2; abandonment of child, need of medical care, child found intoxicated, child living in immoral resort, father not supporting child and commitment to an institution without court action, 1 each. There was nothing subtle about the cruelty or neglect involved in most of these cases, which were concerned largely with physical neglect of the child. Although prevention of physical brutalities is still necessary the number of such cases has greatly diminished. On the other hand with the development of a more positive conception of child welfare our idea of what constitutes neglect has been considerably extended. Demoralizing or degrading conditions whose injurious effect on the child is less immediate and obvious are now the main concern of any well run children's protective society. Cases involving protection of children from immoral associations, from lack of medical or surgical care, from early sex irregularities, from the vicissitudes of life with one parent or the other when marital relations are broken, are typical of the bulk of the work done today. An analysis of the work of the Massachusetts society about ten years ago showed that only 6 percent of their cases dealt with cruelty. The widespread general decrease in the number of cases of physical brutality reported is thought to be due in part to fear of punishment, in part to less intemperance and in part also to generally higher family living standards.

At present in many communities private agencies organized for other purposes, such as children's aid societies, family welfare agencies and legal aid associations, assume the responsibility for child protection. In certain instances children's protective societies have been combined with other children's organizations in the interest of more effective coordination of effort. The work of policewomen in many large cities has been of great preventive value and many of the activities of truant officers, probation officers and juvenile courts are concerned with child protection. Through these various public agencies child protective work, which is essentially a public service, is coming to be in a larger measure assumed by the state or local governments and financed by public funds.

There are no reliable statistics showing the extent of children's protective work in America or in other parts of the world. However, according to the report of the United States Bureau of the Census, *Children under Institutional Care, 1923* (Washington 1927), 140 children's protective societies in the United States reported that they had aided 21,754 children during the three months ending April 30, 1923. Of these 20,138 or 92.6 percent were in the New England, east north central, west north central and Pacific states, and 10,246 or 47.1 percent were in the middle Atlantic states alone. These figures show that societies specifically for the protection of children are very unevenly distributed through the United States.

Toward the end of the nineteenth century the force of the movement for child protection extended beyond the United States. The National Society for the Prevention of Cruelty to Children was incorporated in London in 1884 and now has over a thousand branches in the British Isles. There are similar societies also in Paris and Berlin.

In all Canadian provinces except Quebec there is social guardianship for children under the Children's Protective Act, and any child in danger of neglect may be made a ward of the government and referred by it to the Children's Aid Society, to the Superintendent of Neglected Children or to the Director of Child Welfare. In Australia voluntary child welfare organizations or state subsidized institutions undertake child protective work. The Australian states have extensive protective laws for children forbidding their taking part in dangerous employment, soliciting alms and the like. Under what was formerly called the Neglected Children's Aid of Victoria children are committed to the care of the Children's Welfare Department or to the care of individual persons or approved institutions. New South Wales makes provision for neglected children under the children's court acts, Tasmania through a Department for Neglected Children under the Children's Charter and western Australia under a child welfare act.

The Child Welfare Office of Germany is charged with the protection of all foster children under fourteen years and may withdraw them from their foster homes if their physical, intellectual and moral welfare demands it. In Austria if there is likelihood of neglect the courts may intervene; and there are penalties for mistreatment of children or failure to provide maintenance.

Russia has an institute of children's inspectors to investigate cases of exploitation or ill treatment of children and young persons and to give protection to those who are homeless. There are receiving stations for homeless children and observation centers staffed by teachers, doctors and psychologists to investigate the characteristics of each child and determine the institution to which he should be sent.

The Italian National Maternity and Child Welfare Organization since 1925 has been charged with the protection and assistance of minors under eighteen in need of maternal care or moral help. In Portugal minors declared to be in moral danger also are put under the guardianship of the *tutorias*, or children's courts, as well as all destitute, exposed and abandoned children and those whose families are regarded as unfit to provide for their moral training or education. The court may order the families to pay maintenance and place the children in institutions or adoptive families. Hungary admits to orphanages or places with relatives or foster parents all abandoned children and those exposed to danger of moral destruction on account of neglect or the damaging influence of their surroundings.

Sweden gives the Communal Committee for Protection of Children (Barnavardsnämnd) charge of children who are ill treated by their parents, whose health or education is neglected or who are in danger of being corrupted by their parents' immorality. The committee can admonish the parents, place the children in institutions or find for them suitable occupations.

In the international field the Advisory Committee for the Protection and Welfare of Children and Young People of the League of Nations is making extensive and practical studies of measures of protection in the various countries, such as legislation in behalf of illegitimate children and an analysis of the effect of the development of the motion picture industry upon children not only as spectators but as actors. The League's Committee on Traffic in Women and Children is active in seeking international cooperation to avoid moral hazards possible under unregulated international migration. Its Child Welfare Committee is also planning studies of the causes of dependency and delinquency among children. In general its emphasis is on the endeavor, through a comparison of existing laws and through the discussion of desirable standards, to raise the standards of backward nations.

C. C. CARSTENS

DELINQUENT CHILDREN. Only in recent years has our social machinery dealt with the delinquent child on the principle that he is primarily a child and secondarily a violator of the law. In the case of the dependent and neglected child there has been little question as to the guiding principle of social treatment. The tardiness of progress in this respect has been commensurate only with our slowness in learning to understand the essential nature of the child and in granting him a favored position in the community. In the matter of criminal jurisdiction, however, through long centuries of history violation of the law has loomed much larger than immaturity of the offender. The changes in social concepts which have led to the present treatment of the delinquent child have had an almost dual history: one phase in the law, another in the treatment of the child himself—a little slower, more reluctant in the former; experimental, somewhat more daring in the latter. In fact the legal changes have been due almost wholly to the conviction that has gradually grown up in practical treatment that there is no essential difference between a child found guilty of violating a law—technically delinquent —and the child called "dependent" or "neglected."

The typical modern state makes separate provision for the delinquent child as distinguished from the adult offender in at least three phases of the judicial process: in the definition of crimes and designation of corresponding punishments as contained in the penal codes; in the nature of the punishment provided or, more particularly, in the nature of imprisonment; and in the criminal procedure and jurisdiction for trying the delinquency of the child.

Although in the past severe punishments and even death were at times prescribed for the child who showed disrespect for or revolted against the authority of parent or elder, the codes which have become the basis of western procedure have tended to differentiate in favor of the child. The underlying tendency in western criminal legislation has been to create parallel scales between criminal responsibility, that is, the intellectual capacity for judging the nature of one's act, and the punishment to be imposed for the crime committed. In these scales of responsibility the child has naturally been found at the lower levels and punishment correspondingly has been of mitigated severity.

The Roman law, which has had particularly great influence upon ideas of penal minority, made the following distinctions: it regarded the child under seven years of age as lacking all responsibility, as incapable of committing a crime (*doli incapax*) and consequently as not subject to legal punishment. From the age of seven to fourteen years for a boy and twelve years for a girl (the state of prepuberty), a child was considered as only partially responsible. The praetor decided in each case the question of the child's understanding of the nature and consequences of his act, presumably. If he possessed the necessary degree of intelligence he was subject to the same punishment as an adult. For certain crimes, however, a lesser punishment was sometimes specifically provided. Thus under the Twelve Tables certain thefts by a child were punished with less severity than when committed by adults. Indeed the problem of theft by children may be said to have been prominent in all early legislations. It was generally for this crime that exceptional leniency was allowed in the cases of minors. Finally the code recognized one other period preceding adulthood, i.e. from the ages of fourteen and twelve years for boys and girls respectively, to the age of twenty-five years. Where the imposition of punishments of relative severity was permitted the praetor, he might take the offender's age into consideration. The Romanized canon law first allowed as a general principle the discretionary rule of punishment that a minor above seven years of age, when proved responsible, might be punished, but always more mildly than an adult.

The Germanic laws, which prevailed until the reception of the Roman law, rested upon an altogether different basis. The law was not so much interested in the subjective condition of the wrongdoer as in the objective necessity of securing compensation for injury. The age of twelve was generally accepted in the old Germanic laws as the limit of tolerance. Thus under the Salic law when a child under twelve committed a crime the guardian was required to pay the composition, though not the peace money. The *Sachsenspiegel* was to the same effect. But under the *Schwabenspiegel*, which marks the growing severity of the German penal law, two age limits, seven and fourteen years, were set. Even when a child under seven committed a crime the composition could be demanded, but only if the guardian was capable of paying it. Although capital punishment of children under the age of fourteen was not legally permissible it did gradually become established. In 1505, by special permission of the emperor, two children were executed for killing their mistress: a girl of thirteen was burned alive and a boy of twelve beheaded. The age limits of seven and fourteen show the influence of the Roman law, whose moderating effects were, however, not felt to any considerable degree except perhaps in the south German states. The *Carolina*, the penal code of Charles V, necessitated by the confusion caused by the reception of the Roman law, involved a still further retrogression. No definite age of exemption from punishment was fixed at all. Nevertheless, thieves under the age of fourteen were declared to be subject to milder punishments than adults, and the dominance of the Roman law established exceptions of practise whereby, even for other crimes than theft, children under seven were not punished at all and those under fourteen were more mildly dealt with than adults.

The common law of England held to the Roman model only in establishing the age of seven years as the lower limit of criminal responsibility. As Blackstone says: "But by the law, as it now stands, and has stood at least ever since the time of Edward III, the capacity of doing ill, or contracting guilt, is not so much measured by years and days as by the strength of the delinquent's understanding and judgment. For one lad of eleven years old may have as much cunning as another of fourteen; and in these cases our maxim is that 'malitia supplet aetatem.' Under seven years of age, indeed, an infant cannot be guilty of felony, for then a felonious discretion is almost an impossibility in nature; but at eight years old he may be guilty of felony. Also, under fourteen, though an infant shall be *prima facie* adjudged to be *doli incapax*, yet if it appear to the court and jury that he was *doli capax*, and could discern between good and evil, he may be convicted and suffer death. Thus a girl of thirteen has been burned for killing her mistress; and one boy of ten, and another of nine years old, who had killed their companions, have been sentenced to death, and he of ten years actually hanged; because it appeared, upon their trials, that the one hid himself, and the other hid the body he had killed, which hiding manifested a consciousness of guilt, and a discretion to discern between good and evil. And there was an instance in the last century where a boy of eight years old was tried at Abingdon for firing two barns; and, it appearing that he had malice, revenge, and cunning, he was found guilty, condemned and hanged accordingly. Thus, also, in very modern times, a boy of ten years old was convicted on his own confession of murdering his bedfellow, there appearing in his whole behavior plain tokens of a mischievous discretion; and, as the sparing this boy merely on account of his tender years might be of dangerous consequence to the public by propagating a notion that children might commit such atrocious crimes with impunity, it was unanimously agreed by all the judges that he was a proper subject of capital punishment" (*Commentaries*, bk. iv, ch. ii, sec. 23–24).

It is apparent that, if the Roman law affected the insular common law, it must have influenced the majority of European criminal codes in modern times to an even greater extent. A famous French draft of a code, prepared by Muyart de Vouglans in 1780 (*Les lois criminelles*), reproduces the Roman law with no apparent change. But the code which actually resulted from the French Revolution marked a distinct departure from Roman ideas. Many of the central European codes adopted in the first half of the nineteenth century, such as the codes of 1813 and 1861 in Bavaria, the code of 1839 in Württemberg, the code of 1840 in Hanover, the code of 1841 in Hesse, the code of 1845 in Baden, show not only the influence of the Roman but that of the new French law.

The *Code Napoléon* represented a marked reform despite its apparent retrogression from the Roman model in not definitely fixing an absolute penal minority of seven years. But it did, nevertheless, accomplish much in raising the age of presumed limited responsibility to sixteen years. Under the *Code pénal* the judge was left to decide in each case whether the offender under sixteen might be presumed to have been responsible, that is, to have acted with *discernement*. If he had not, he was to be acquitted; but according to circumstances he was to be either returned to his parents or sent to a house of correction, where he was to be educated and detained for a period of time determined by the judge, such time not to extend, however, beyond the completion of his twentieth year of age. But unfortunately the "houses of correction" did not exist, and it seems that the ordinary departmental prison was called such for the purpose of confining minors. A detailed scale of punishments adjusted to the degree of *discernement* manifested by the accused was provided. Thus, for example, if the crime were punishable by death, life imprisonment or transportation in the case of an adult, the punishment for a minor was to be ten to twenty years imprisonment in a house of correction. If an adult would have incurred a penalty of penal servitude or solitary confinement, the punishment for a minor was to be imprisonment in a house of correction for a period of not less than one third or more than one half the time for which an adult would have been sentenced, and so on.

The French law finally raised the age of penal majority to eighteen, and this age has found wide acceptance in other codes. But the faint beginnings of correctional treatment of children, provided however ineffectively under the *Code Napoléon*, were really far more important than the legal definition of penal age limits. The establishment of separate institutions for the imprisonment of young "criminals" was gradually brought about by reformers. Before the first ones were established by law or recognized in the penal codes, their prototypes were founded by private philanthropy and conducted under private control. The first reformatory institution for children to be recognized as a public institution, although technically retaining its private form of organization, was the House of Refuge, an American experiment established by an act of 1824 in New York state. In 1826 the New York legislature made it mandatory upon the managers of the institution to receive children properly committed by the appropriate judiciary. In England the short lived Parkhurst Juvenile Prison was created in 1837, and the first special departments of the French *maisons centrales* were set aside for children in 1842, some eight years before the passage of the French law providing for reformatory education of delinquent children in *colonies pénitentiaires*. But all these institutions and those that followed them are more truly incidents in the history of the care of orphaned, homeless and neglected children than in that of the treatment of criminals, and were championed from time to time by pioneers in that field, such as Herman Francke (1663–1727), Canon Odesalchi (1679–1741), Johannes Falk (1768–1826), Count Van der Recke (1764–1846) and Johann Wichern (1808–81).

From the point of view of the legal status of the delinquent child there are at least two important features of the public institutions for the commitment of children convicted of crime: first, their separation from adults and their concentration in special institutions, which represented the transitional phase from the concept of the young criminal to that of the child in trouble; and second, the tendency to derive from the special status of the institution a corresponding legal differentiation of the delinquent child from the adult criminal—that is, to define the child's status in terms of the function of the institution rather than in terms of laws violated by him. Striking examples are afforded by the House of Refuge and the Elmira Reformatory, two of the pioneer institutions of their kind in America. The board of managers of the House of Refuge was given powers which apparently bear little relation to criminal punishment. "The managers," said the law, "shall have power to place the said children committed to their care, during the minority of such children, at such employments and cause them to be instructed in such branches of useful knowledge as shall be suitable to their years and capacities. . . ." The law creating the New York State Reformatory for Men in Elmira is an even more striking instance of the effect that the establishment of a physical institution may have upon the changing of legal concepts. According to this law (which also introduced the indeterminate sentence for adults) male offenders from the ages of sixteen to thirty years, an age group which had never before been recognized as having any distinct legal status, either civil or criminal, might be committed to the new institution for any offense except murder. The term of those committed to the reformatory was made entirely independent of their special offense and subject only to the judgment and discretion of the board of managers.

The creation of the juvenile court marked the next significant step in the treatment of the delinquent child. The juvenile court may be defined fundamentally as a court dealing exclusively with children of certain ages who have been accused of crime. These courts brought about a revolution in the treatment of the delinquent child. They have done away with the trial of children in the demoralizing atmosphere of the ordinary criminal courts. Of far greater importance, however, is the special procedure itself, which has in effect virtually destroyed the substantive law of crimes with regard to delinquent children. The jurisdictional age limits of the juvenile courts thus become in effect the true limits of criminal responsibility, and as they range from sixteen to twenty-one, the extent to which they represent a more enlightened conception of juvenile criminality than that which obtained previously can well be appreciated. Moreover, as the juvenile court idea has spread from the United States where it was first realized to England and the continent, the reform it represents may be said to be widespread.

The legal status of the delinquent child, however, except where all laws relating to children have been codified in a recognized children's code or its equivalent, is still a composite of somewhat overlapping legal provisions, namely, the definitions of criminal responsibility contained in the penal code or the common law, the provisions relating to the creation and administration of penal and reformatory institutions and the law and procedure governing the juvenile courts. For instance, ameliorating conditions as far as juvenile offenders are concerned have often been the result of reforms in the general penal law applying to adults and children alike, as the creation of probation in Massachusetts as early as 1869 and of parole at least as early as 1876 in the United States and earlier in England in the form of "ticket of leave." Then there have been changes in the law intended directly for the benefit of minors, such as the legal separation of minors from adults in jails and prisons; the prohibition of the detention of children under sixteen in any prison, as, for example, in the New York state law of 1877; and quasi-administrative regulations of the judiciary system itself, such as the Juvenile Offenders Act in England in 1847 and the Summary Jurisdiction Act of 1879, which gave judges jurisdiction to try children and young persons, except in cases of homicide. However, a unity for the somewhat uncoordinated legal provisions is provided by the administrative procedure which has gradually developed in the treatment of delinquent children as socially neglected or uncared for. There is every probability that any differences in the legal positions of delinquent, neglected and dependent children will soon disappear. The factors tending toward this result are notably the progress in educational psychology, the expansion of the mental hygiene movement, the discoveries in psychiatry, the growth of social case work and case studies in juvenile delinquency. Legal concepts are becoming of far less importance than the idea of the social treatment of unadjusted children.

Philip Klein

INSTITUTIONS FOR THE CARE OF CHILDREN. As a means of caring for dependent, neglected, handicapped and delinquent children outside of their own homes the institution is still overwhelmingly predominant in practically all countries. The most generalized type of institution is that commonly called the orphanage, or, when it is designed for younger children, the foundling asylum. This, however, represented an advance over the public workhouse, almshouse or poorhouse, in which children were housed not only with dependent or aged adults but with the insane as well as with human derelicts of all sorts. Despite its name, the orphan asylum often admits other types of dependent children, and it has been said that not one tenth of the inmates of such institutions are orphans. At the outset there was a tendency to admit not only the more or less normal cases of dependent and neglected children but also children suffering from physical or mental disabilities. The understanding of the special needs of handicapped groups has led to the creation of special institutions for the care or training of the blind, the deaf, the crippled and the mental defectives; and reform schools, junior republics, detention homes and the like have been established for the segregation of delinquents or other well defined groups. The so-called children's institution now generally includes only the more or less normal dependent child.

The large majority of these institutions were founded by private religious, social or fraternal organizations and are still maintained by them. At the present time in the United States only one tenth of the total are under public auspices. The tendency of state and county authorities has been to replace the state orphanage by foster home care and by mothers' assistance laws which make it possible to maintain children in their own homes. Only in Russia are all children's institutions under public auspices, publicly financed and with complete public supervision. Elsewhere the semiprivate or private institutions are usually supported by private philanthropies, although in some cases they may receive public aid from city, state or county.

During the nineteenth century both in England and in the United States children's institutions sprang up in rapidly increasing numbers and were a favored form of philanthropy. In the United States their number increased from 6 in 1800 to 1500 in 1923, 400 of them having been established between 1890 and 1903. The numerical increase was not accompanied by a corresponding development in technique or in the appreciation of the problems involved, and for almost one hundred years there was little improvement in methods or management.

At the beginning of the twentieth century, however, these institutions became increasingly subject to criticism. This was reflected in the decision of the White House Conference on the Care of Dependent Children in 1909, which went on record as preferring foster home care wherever possible. In recent years there has been a growing tendency to question the relative value of institutions even for handicapped and delinquent groups. The realization that other means of caring for children, even where more desirable, could not entirely and immediately supplant the institution, as well as a recognition of its definite place in a program of child care, has led to a number of studies aimed at the improvement and "de-institutionalization" of institutions. These studies and activities have been conducted by the United States Children's Bureau and more especially by the Child Welfare League of America. Various sectarian bodies both local and national have also turned their attention to the problem. For instance, in the larger cities wherever there is an organized Jewish community the Bureau of Jewish Social Research has stimulated the organization of a central bureau of child welfare. The National Conference of Catholic Charities has held annual conferences for those in charge of Catholic children's institutions and has also stimulated the organization of central diocesan agencies to supply case work service for the institutions. The tendency of the Protestant churches toward individualism has resulted, on the whole, in a lack of cooperation, although the Federation of Agencies Caring for Protestants in New York City has been effective in dispelling the isolation of individual Protestant agencies in its vicinity. The various studies, surveys and conferences have resulted within the last decade in a vast improvement in technique and in administration of the institution, as well as in a correlation of its activities with those of other child welfare agencies.

One of the most discussed aspects of the institution is that of housing and its effects. The congregate institution, housing large numbers of children, compelled to wear uniforms and subject to other forms of regimentation, has been particularly criticized. As a substitute the "cottage type" has been recommended, in which small groups of children are housed in separate cottages, each with its own house mother and in which the atmosphere of a home is duplicated as far as possible. An even more radical departure is the English type of "scattered home," in which the cottages, instead of adjoining each other, are located on separate streets of the same town. Because of the higher cost of the cottage type of institution and the greater difficulties of supervision and because of the existence of buildings which could not immediately be scrapped, a compromise plan has been worked out, particularly in some of the Catholic institutions, by which children are separated into groups, each under the supervision of a nun. Nevertheless, the congregate institution still predominates. Within the congregate institution itself regimentation is overcome by such methods as abolition of the uniform, spending money allowance, the encouragement of schemes of self-government and the introduction of techniques for individualizing the treatment of each child. Considerable attention has also been given to the facilities of the institution as regards space, ventilation and the like in an effort to improve the bad housing of the older institutions. Standards have been evolved for such institutions by the United States Children's Bureau. Although the appalling mortality rates for the old asylums have been considerably reduced they are still higher than those for non-institutional children. This may be due to conditions at admission, for which the institution cannot be held wholly responsible. In the case of infants the mortality rate is lower for institutions than for other forms of child care.

Discussions concerning the location of institutions have resulted in a consensus of opinion against the city, provided, however, that the rural location be fairly accessible to other communities, to the families of the children and to schools. Particularly in the case of Catholic institutions there has been a definite reduction in the number of urban institutions.

Considerable difference exists both in opinion and practise in the matter of schooling. On the whole it is agreed that wherever possible it is better for children in institutions to attend public schools in order that they may participate in community life and mingle with non-institutional children. Outside schooling is common among Protestant institutions, the rule in Jewish institutions and the exception in Catholic homes. There has been considerable disagreement with regard to the relative value of the non-vocational education in the public schools and the manual training commonly given in the institution, as well as to the eventual usefulness of the vocational training thus received.

Undoubtedly one of the greatest difficulties in the conduct of institutions for the care of children is that of personnel. In the past the position of matron of an institution has too often been filled by misfits in other occupations, partly because of the arduousness of the work and the low salaries paid. In recent years there has been more emphasis not only on better personal qualifications but on special training and higher salaries for general workers. These general workers are often supplemented by experts in the various branches of medicine, psychiatry, diet and recreation, as well as by social workers who correlate individual case studies. Along with this improvement in staff has come a better understanding of the functions and methods of institutional care. This will affect institutional work in its entire procedure from admissions to discharge and after care.

The problems of admission, discharge and after care illustrate particularly the necessity not only for expert care within the institution but for the correlation of its work with that of other agencies for the care of children. Originally the orphan asylum and foundling home not only accepted all applicants but in some instances even sought them. At the present time applicants may be rejected on the ground of mental or physical incapacity, if such is the policy of the institution, after careful examination, recording of social history and the evaluation of other possible means of care. The rejected applicant is, however, usually referred to specialized institutions or to welfare agencies. Likewise in discharging a child such elements are considered as the extent of family reconstruction or other forms of post-institutional care, the mental and physical capacities of the child, his capacity for self-support and his reference to proper placement agencies. The effects of follow up work after discharge and of better care during the period spent within the institution have led to less frequent reiteration of the charge that the ranks of criminals and other social misfits receive an undue proportion of their recruits from children's institutions.

The Child Welfare League has been influential in inducing many institutions to reject such practises as the use of surrender and indenture forms. Studies have been made of the influence of the length of stay, in conjunction with other qualitative factors, on the capacity of the discharged child to care for himself or to adjust himself to a non-institutionalized environment. One of the criticisms of the institution has been that it has created so artificial an atmosphere either through regimentation or through too well arranged environment as to make post-institution adjustment difficult if not impossible for many children. The desire of children to return to institutions is no longer uncritically accepted as a mark of its efficacy.

Many of the defects in institutional care, in cases where the staff itself may have been cognizant of methods of correction, have been attributed to the personnel of the boards of trustees and the lack of public supervision. In the early days there was no general supervision by any public authority, and there are still many private institutions today without any such inspection. An increasing number of states now have legislation requiring all organizations to obtain permission from the state authorities before the establishment of an institution.

Reference has been made to our "orphaned" asylums to indicate the oversupply of institutions in the United States, many of them operating below the minimum modern standards of child care. In 1923 it was estimated that there were 1500 institutions housing 150,000 dependent children, with a staff membership of 14,000 and annual budgets aggregating from sixty to seventy million dollars. The orphanage is still a favored form of charity, particularly because of the sentimental appeal of the orphaned child and partly no doubt because of the concrete evidence which such an institution offers as to the philanthropy of its donor. Many institutions for dependent children have large endowments which perpetuate them whether they are needed or not. The situation is aggravated when property has been left as a memorial to a church or to a board of managers but no funds provided to carry on the work. The larger congregate institutions have, however, often been closed and cottage type institutions, home treatment or a combination of both substituted for them.

In any consideration of the values of the various types of care it will be seen that there is still a definite place for the institution, particularly in view of the vast improvements made in recent years. According to Dr. R. R. Reeder, one of the most constructive critics of the institution, the following groups benefit more from institutional than from other forms of care: children of family groups too large to be placed in one foster home or in separate foster homes so situated as to keep the children in close family touch with one another; children deprived of both parents in need of such special training or opportunities as foster family homes cannot provide; children whose surviving parent or other close relative stands in such affectionate relationship with them as to make it inadvisable for the children to form new foster family attachments; children for temporary special treatment before placing in family homes; children who have become repeated misfits in foster family homes; children of widowers who may later reestablish their family homes; and those of low mentality needing early industrial training. Some of these standards have been subjected to further inquiry. Whatever general principles may be considered as properly governing the scope of the institution, it is evident that only through careful case work and cooperation with all agencies can the best decision be made. With the further extension of modern placing out systems, of mothers' pensions arrangements and of more selective methods of admission the number of institutions will undoubtedly decrease to meet the actual needs of those cases which are properly institutional charges.

Martha P. Falconer

Child Labor. The term "child labor," a convenient expression for "the labor of children," has a well recognized though rather vague meaning. It refers both to an economic practise and to the attendant social evil. The economic practise had been taken for granted until, in England, at the onset of the industrial revolution the social evil was discovered. Since then reformist usage of the phrase has brought about a general acceptance of a peculiarly moral or humanitarian connotation.

Child labor as an economic practise signifies employment in the so-called gainful occupations or a material contribution to the labor income of the family, as in the period before the wages and factory systems or today in agriculture on the home farm. Its extent is readily measured by quantitative standards, such as those used in the United States Census of Occupations; and nothing but an age line differentiates it from adult labor. But the extent of child labor as a social evil is determinable only by methods of qualitative analysis, with consideration of the character of the actual jobs in which children are engaged, the dangers to which they are subjected in their work and the desirable opportunities of which they are deprived by reason of their being "gainfully occupied."

Knowledge of the prevalence and increase or decrease of child labor in this latter sense depends as yet too much on opinion and too little on measurement. Occupational statistics cannot represent a survey of child labor from the standpoint of human values, and no adequate set of tests and measures has been constructed.

The initial emphasis in reformist effort was naturally placed on obvious wrongs to be immediately righted, and there grew up a stereotyped conception of child labor as pertaining to very young children engaged primarily and almost exclusively in industrial forms of employment, particularly in factories and mines, and exposed to physical and moral dangers. While none of these forms and aspects of child labor has disappeared in this or any other country, they constitute a narrow and anachronistic but strongly persistent notion of child labor as a social evil. In certain countries and localities, particularly those only recently affected by industrialization, reformist activity still has to do with more obvious and revolting conditions.

Interpretation, however, has broadened, so that child labor in other than industrial pursuits receives more attention; the protection and education of children over fourteen is one of the major issues of today. More and more it is realized that many of the problems center about the difficulties of adolescence, for an understanding and adjustment of which the point of view of the mental hygienist is necessary. Any adequate conception of child labor begins with the child himself, his nature and his needs both present and future. Every child laborer is a child with all the needs of other children. He needs opportunity for growth not only physical but in mind and personality, through all the activities and experiences which properly belong to childhood. And when the business of wage earning, or of participation in self or family support, conflicts directly or indirectly with the business of growth and education, the result is child labor.

In such a conception play has an important part but does not exclude the role of work—not deadening, but enlivening and self-developing work, involving purpose, plan and freedom. In other words the function of work in childhood is primarily developmental and not economic. A broad program of reform, accordingly, concerns itself with the conservation and cultivation of the definite values to be found in work activities and of the work impulses, interests and capacities of children both before they leave school and after they enter employment. It is not confined to merely negative aspects such as the prevention and prohibition of premature, excessive and unsuitable work in gainful occupations. It stresses adequate preparation for occupational life, provides intelligent guidance and aids in proper adjustment. Children's work, then, as a social good is the direct antithesis of child labor as a social evil.

The history of child labor is bound up with the status of the child, his rights and privileges in general. As the group developed its cultural aids to the point where its economic dependence on the labor of children decreased, the appreciation of childhood for its own sake rather than for purely utilitarian reasons began slowly to increase. The process was, no doubt, reciprocal. The prolongation of the social infancy of the child, along with the growth and complexity of the social heritage, has been marked by a lightening of the child's share of the burdens of self and family support, by a postponement of his assumption of adult economic responsibilities and by the establishment of institutions and agencies for utilizing this extended leisure.

Agricultural and industrial workers of servile status formed the bulk of the population everywhere in ancient and mediaeval times, and their children were early put to arduous drudgery in house and field. The apprentice in a mediaeval craft guild was comparatively fortunate, assured as he was not only of maintenance and training but of permanent employment in his chosen trade. In the textiles, however, even before the coming of the factories, children were largely without benefit of apprenticeship in the guild tradition. Most unfortunate of all were the workhouse or pauper children of England, so numerous during the seventeenth and eighteenth centuries that the parish overseers bound them out regardless of training and welfare to any sorry masters in any sort of business.

The cotton factories established in the country districts of Lancashire and Yorkshire toward the close of the eighteenth century were worked largely by pauper children from London and other towns, whence they were brought in cartloads. The atrocities visited upon these boys and girls, housed in horribly overcrowded and unsanitary dormitories and literally driven to death in the mills, form one of the darkest chapters in the history of childhood. But the pauper apprentices were not the only children exploited. In 1800 or a little later, in England, the majority of boys and girls employed in the mills and factories belonged to working class families which had been reduced to dire straits by their inability to make a living any longer from home manufacturing or small farming or the common combination of both.

It was not until 1794 that public attention was aroused to conditions of child labor in factories. In that year a committee headed by Dr. Thomas Percival of Manchester investigated an infectious fever which had broken out in the cotton mills of Lancaster and reported that, while the disorder was not caused by "the injury done to young persons through confinement and too-long-continued labor," it was aggravated by it. The report suggested, moreover, "this further very important consideration, that the rising generation should not be debarred from all opportunities of instruction at the only season of life in which they can properly be improved." Thereafter a few ineffective attempts were made by local authorities to curb the spreading evils of the situation. In 1802 was enacted the first protective legislation with the passage of the Health and Morals Act to Regulate the Labor of Bound Children in Cotton Factories, sponsored by Sir Robert Peel. This act forbade the binding out of children younger than nine years, restricted the hours to twelve actual working hours a day and prohibited night work. The act of 1819 still applying only to cotton mills extended protection to other than bound children.

Following the Napoleonic wars the factory system, beginning with cotton and woolen mills, took root on the continent. The period of most marked abuses came before the forties and the first measures of legislative protection for workers in Prussia, France and other European countries applied, as in England, to children in textile establishments. The more widespread effects of industrialization on child labor were felt in the seventies in Germany and Belgium and a decade later in Italy. In these countries legislation dealt with child labor in industrial and later in commercial establishments, but overlooked until very recently the child worker in agriculture. In the other countries which remained predominantly agricultural child labor in agriculture and in industrial homework was and still is a major problem.

In the United States the factory system and the new industrial order date from 1790 when Samuel Slater built a cotton mill in Rhode Island. Factories were later established in New England and the middle Atlantic states, but unlike those in England they did not find any large class of poverty stricken workers who had no choice but to seek employment for themselves or their children in the mills. Nevertheless, conditions were favorable to the extensive employment of boys and girls, partly by reason of the colonial tradition of hard work and plenty of it as good for their souls and partly because of nationalistic ambitions for the development of industry with the cheapest labor available.

Slater's first employees were boys and girls ranging in age from seven to twelve; thereafter he adopted the practise, not uncommon in England, of employing whole families under a single wage agreement. David Humphreys, in Connecticut, secured a number of children from almshouses in New York. In Lowell and other Massachusetts towns the majority of the workers were daughters of neighboring farmers. It was reported in 1832 by the New England Association of Farmers, Mechanics and Other Working Men that two fifths of all persons employed in New England factories were between seven and sixteen years of age. Hours of labor were long, never less than ten, seldom less than twelve, often fourteen or fifteen or even more. The first child labor law in the United States, in Massachusetts, was not passed until 1836. It provided that no child under fifteen should be employed in any manufacturing establishment unless he had attended a school for at least three months in the preceding year. In 1842, in Massachusetts, the labor of children under twelve in textile factories was limited to ten hours a day. In the same year Connecticut forbade the employment of children under fourteen for more than ten hours a day in cotton or woolen mills. The Pennsylvania law of 1848 forbade employment in textile mills of children under twelve. These early laws were inadequately enforced.

Well nigh universal labor of children, at early ages and for long hours, characterized even the pre-factory era. Drilled and sweated workers, including children, were employed in the manufacture of millinery, cardboard boxes, metal ware, furniture and the like long before the introduction of the water wheel into industry. The very tendencies which gave rise to child labor in the machine age, such as the splitting up of occupations into specialized routine jobs, robbed the work of the child laborer of any educational or vocational value. Under the drive of the increasingly important motive of profit the factory and machine methods of production intensified the routine character of work and added to the hazards of all workers and especially of children. Heavy as may be the indictment rightly laid against machines and factories, it is nevertheless important to note that changes directed toward engaging fewer children and at shorter hours have been greater and certainly more rapid in the machine era than in all previous history.

It is worthy of note that with the exception of the first period of the machine age the number of children per family has decreased with its spread. Children have tended to become economic liabilities rather than economic assets. Not only has the proportion of all children to all adults declined but also the proportion of working children among all workers. This latter tendency is less marked in agriculture than in other pursuits. On the other hand, the increase of legislative protection is especially marked with respect to industrial occupations. The countries and states most advanced industrially have in general the highest effective standards of legislative protection and of educational opportunity.

In the machine age child labor has become enormously diversified. Industrial pursuits have multiplied, commerce, transportation and communication have expanded and the effects of the business regime on the organization of agriculture have not been altogether beneficial to the workers on the land. There is in addition a new complex of economic activities and occupations growing out of new standards of consumption. The majority of working children reported by the United States census in 1920 were employed in non-industrial occupations; in non-agricultural occupations the majority are found outside the mining, manufacturing and mechanical pursuits.

Agriculture in the machine age has undergone revolutionary changes. The use of machinery and the application of science have enabled the farmer to cultivate a larger acreage or to cultivate more intensively; but at the same time they have often increased the amount of work to be done by hand. The larger the farm the more work there is for children to do, especially where there is a shortage of hirable labor; if the farm is small, in consequence perhaps of unsuccessful management, the family is even more likely to depend on itself. Although work on the farm has many undoubted advantages for these children it often occupies too large and exclusive a place in their lives; and although the economic plight of the American farmer today calls for remedial action, no group is in greater need of "farm relief" than the farm boys and girls.

What is generally called "the industrialization of agriculture" refers chiefly to the organization of large scale enterprises in the production of special crops, like onions, sugar beets, tobacco, fruits or garden truck. These, conducted on a capitalistic basis, often by companies incorporated for the purpose, and utilizing a system of wage or contract labor make extensive use of children. Their work is performed under the eye of bosses or overseers, as in factories; and the same concomitants of mass production prevail, through the motive of profits, desire for cheap labor and, frequently, absentee ownership or control. It is out of door work, but hours are usually long and unregulated, serious health hazards exist and there is interference with school attendance. The practise of contracting the family labor is common and a premium is placed on the size of the family. Families with children are brought by the carload into the beet areas from distant places; families move out from nearby cities for the season regardless of the schooling thus shortened by weeks or months every year; migratory families, "following the crops" hither and yon, appear on the scene. Often they are housed in huts and barracks that would put to shame a city slum.

Until modern times income had always taken the form of a family income because women and children were accustomed to contribute to the family support by their hunting, fishing or agricultural work and by spinning and weaving cloth. Only with the adoption of factory methods of production and a money exchange for goods and services has there been a tendency to shift the major burden to the shoulders of one person, the husband and father. Nevertheless, this tendency has been obstructed by forces inherent in the new industrialism, among which may be included the new feminism, the causes as well as the consequences of which are economic in part. In England, in the nineteenth century, as the wages of the nominal bread winner were again and again reduced, only by the earnings of the whole family could a bare subsistence be obtained. The prevailingly low rate of wages paid in southern textile mills in this country today is closely connected with the fact that the labor supply has been hitherto largely obtained by bringing whole families in from the hill farms and paying wages on the basis of the family labor.

Child labor under these or other circumstances at once supplements and depresses the family income. It may seem, perhaps, that adult wages can be but slightly affected in the United States when only 2.5 percent of all workers are in the ten to fifteen-year age group, but the situation is to be viewed with reference to particular trades and industries and particular localities. Although the proportion of ten to fifteen-year old children among cotton mill operatives dropped from 18 percent in 1900 to about 6 percent in 1920, even the ratio of one in eighteen might have an appreciable effect. In Pennsylvania, in 1920, over 11 percent of the silk mill operatives were children under sixteen; in the United States, 8 percent. It may be observed that the textile industries are exceptionally difficult for the labor unions to organize. The tendency of employers is to pay the lowest wages that the workers will accept under conditions which permit children to supplement the family income; thus child labor is not only a subsidy to industry but a direct inducement to the payment of the low adult wages and to the entrance of children into the labor market.

In times of depression and unemployment children who would otherwise be kept in school are often compelled to leave and go to work and are sometimes able to secure jobs when their parents cannot. In a period in which the employment and dependency problems of workers over forty assume their present magnitude and in which, temporarily at least, a vast amount of "technological unemployment" exists, a program for the exclusion from gainful occupations of children under sixteen would, even at the cost of the adjustments involved, result no doubt in a saving to society.

Child labor exists contemporaneously in various pursuits in countries of widely differing stages of industrial development. In China and Japan the recent rapid transition from a handicraft society to machine methods and modern techniques of production has brought about in the cotton and woolen mills and silk filatures abuses rivaling those in the darkest period of England's industrial history. These exist side by side with pre-industrial low standard child labor in agricultural and household occupations. In China under the guise of adoption or apprenticeship the ancient slave trade in children continues, and every year tens of thousands of these children become household drudges, rice field hands and factory toilers. It has been estimated that there are over a million child workers in modern industrial establishments alone in China. In Japan legal protection as well as industrialism is farther advanced; according to one figure there were, in 1925, 263,000 child workers, including 223,000 girls, in manufacturing establishments. About three fourths of them were in the textile industry. The total number of children employed in all occupations was in 1924 almost a million and a half. Parents often contract the labor of their children, girls more frequently than boys, to factory owners or managers for a term of years. A large majority of the employees in Japanese weaving sheds and textile mills are women and children, recruited chiefly from the farming districts. Whole families work together in the mines. The extreme poverty prevalent in large parts of the country renders difficult the enforcement of regulations pertaining to the industrial employment of children. Even in countries industrially more backward than China and Japan, as, for example, Persia and Algeria, the exploitation of very young children is common in rug and carpet making as well as in other occupations.

In most European countries considerable progress has been made in checking evils as obvious as those which still exist in the newly industrialized countries. In Great Britain the early factory acts were gradually improved upon so as to include children in ironworks, mines, sweatshops and mercantile establishments. The introduction of compulsory school attendance, the establishment of juvenile labor exchanges and other moves of general social import reenforced restrictive legislation. Both in England and in Germany the lessening of the evils of child labor came through social legislation, fostered by public bodies, by reform groups and by labor unions, as well as through apprenticeship regulations and restrictions in collective trade agreements. In Great Britain in 1929 a bill was sponsored by the second Labour government for raising the school leaving age from fourteen to fifteen with a provision for government aid in needy cases. In 1925 the total number of workers between the ages of fourteen and seventeen was over two million.

More backward countries have recently raised their standards, partly as a result of their participation in the conferences of the International

Labour Office formed in 1919 and attached to the League of Nations. All the leading nations of the world, with the conspicuous exceptions of Soviet Russia and the United States, are members of this organization. Annual conferences have been held, at which draft conventions, a number of them relating to children, have been adopted; these have been submitted to the member nations for ratification and incorporation into the law of the ratifying nations. The draft convention providing for a fourteen-year age minimum in industrial occupations has been ratified by eighteen countries; that prohibiting night work of children under eighteen in industrial pursuits, except in certain continuous industries, by twenty-one countries, and of children under sixteen in continuous industries by twenty countries; that prohibiting employment of children under fourteen in agriculture, except outside the hours fixed for school attendance, by twelve countries.

Nearly all of the fifty-five members of the International Labour Office have laws regulating the employment of children in industry, with regard to age of admission, hours and times of employment, conditions to safeguard health and education. In most of them regulation is extended to commercial work, as in stores and offices, although the age minimum and hour standards are sometimes lower. Street trades and public amusements are less often subject to regulation, and the same is true of agriculture and household work, especially when performed under parental supervision. The age of admission is usually lower for street trades than for industrial or commercial employment, but sometimes it is higher. Control of non-industrial employment is effected to a considerable extent through school attendance laws, some of which contain provisions limiting hours of outside work. Argentina has an age minimum of at least fourteen for virtually all forms of gainful employment, not including agriculture, while Poland forbids, without exceptions, the work of children for wages under the age of fifteen.

The prevailing age minimum of admission to industry, which in all cases coincides with the lower age limit for regulation, is fourteen. Exemptions are numerous; Japan and France, to cite two examples, permit children of twelve and thirteen respectively to enter industry if they have completed the prescribed elementary course. There are also poverty exemptions in many countries, but these are rapidly tending to disappear. Requirements for admission to indus-

TABLE I

REGULATION OF WORKING HOURS FOR YOUNG WORKERS

COUNTRY	AGE TO WHICH REGULATION APPLIES	MAXIMUM WORKING HOURS	
		PER DAY (HOURS)	PER WEEK (HOURS)
EUROPE			
Austria	14–18		44–48
Belgium	14–18	8	48
Bulgaria	14–18	8	48
Czechoslovakia	14–18	8	48
Denmark	14–18	10	60
Esthonia	14–18	6–6½	
Germany	14–16	8	48
Finland	15–18	8	48
France	13–16	8	48
Great Britain	14–18	8–10½	48–74
Holland	14–18	8½	48
Hungary	12–14	10	
	14–16	8	
Italy	12–15	11	
Latvia	14–18	6–8	
Luxemburg	14–18	8	
Memel	14–16	8	
Poland	15–18	8	46
Rumania	14–18	8	
Russia	14–16	4	
	16–18	6	
Sweden	13/14–18	8	
Switzerland	14–18	8	48
Spain	10–18	8	48
Yugoslavia	14–18	8–10	
AFRICA			
Egypt *	10–14	12	
Morocco (French Protectorate)	12–16	10	
AMERICA			
Argentina	14–18	6	36
Brazil	12–18	6	
Canada	13–16 †		
Ecuador	12/14–18	8	48
ASIA			
China	12/14–17/18 ‡	8	
Japan	12/14–16	11	
India	12	6	
Palestine	12–16	8	
OCEANIA			
Australia	14–18 †	8–10	48
New Caledonia	13–18	10	
New Zealand	14–16	8½	45

* In cotton ginning factories only.

† The age of admission as well as the age limits of regulation vary in different provinces and states. The majority of the provinces of Canada have 14 as the age of admission.

‡ Boys 12–17, girls 14–18.

Source: International Federation of Trade Unions, *The Protection of Young Workers*, International Trade Union Library, 2nd ser., Reports and Documents, no. 1–2 (2nd ed. Amsterdam 1930) p. 17–18.

try include a compulsory physical examination in twenty-four countries (discretionary in several others) and some educational qualification in seventeen. Examinations while at work are discretionary in twelve countries and compulsory in Sweden.

Generally speaking, the defects of legislation, aside from its weak enforcement, have been in the omission of industrial home workers and of children in agricultural pursuits. Germany, for instance, neither in its law of 1903 nor in the improvements thereon in 1918 has included the vast and ever increasing number of agricultural child laborers working under completely unregulated conditions.

The legislation of most of the states in the United States has been characterized in an informal report of the International Labour Office as being on the whole much in advance of any found elsewhere. The early legislation of the pre-Civil War days was administratively weak and inadequately enforced. The rising tide of immigration and the dynamic changes in industry tended to retard progress in the organization of adult labor into trade unions and progress in child labor legislation. In some states there was even a lowering of existing standards.

Despite successive enactments and better enforcement in the latter half of the nineteenth century, the gains did not keep pace with the phenomenal expansion of industry, its penetration into new fields of enterprise, its spread beyond state borders and its unceasing demand for the cheap labor of boys and girls. In 1900 "less than a dozen states were seriously attempting to limit the labor of children in mills, mines, factories or stores, in sweatshops or street trades. Such laws as existed were chiefly unenforced, and all were lamentably meagre. . . . In most states it was not illegal to send children as young as 10 or 8 or 7 years into a mill, and keep them at work unlimited hours. Boys of these ages were kept through the night-shift serving blowers in glass-bottle works, and as water boys all night in iron and steel mills. Day or night, in cotton mills, children's hours were commonly those of adult workers" (*The National Consumers' League; First Quarter Century, 1899–1924*, New York 1925, p. 2).

Various organizations undertook to remedy these conditions. The National Consumers' League formed in 1899 was outstanding in its efforts. In 1904 there was created the National Child Labor Committee, an organization which has devoted itself to enlightening the public about conditions and helping to obtain more and better laws, better enforced. It has cooperated with other agencies interested in the problem. Although in the main the trade unions have depended on minimum wage standards and apprenticeship requirements to act as minimum age barriers, in such industries as mining they have carried on active and successful campaigns for child labor laws or for licensing laws prohibiting child labor under the age of sixteen. The American Federation of Labor has taken an active part in the various attempts for the enactment of federal child labor legislation. Finally, the Children's Bureau of the United States has carried on extensive studies of the types and effects of child labor.

At the present time all but two states have adopted a nominal age minimum of at least fourteen for full time employment in industry, and usually in some if not all other occupations. In many states only specifically enumerated occupations are covered. Most of the laws do not apply to agricultural work or domestic service. Montana has a sixteen-year minimum for factories, Ohio for all occupations. Six states have a general fifteen-year age limit, but one exempts children of fourteen and another exempts children of twelve on grounds of poverty. Thirty-nine states have a fourteen-year limit but the laws of eight of these contain exemptions permitting employment at earlier ages. Two states have no general age minimum and have exemptions in their compulsory school attendance laws allowing children to leave school and go to work before they have reached fourteen. The laws regulating work of school children outside of school hours are far less strict and in many states either non-existent or unenforced.

For extrahazardous occupations most states have an age minimum of sixteen or eighteen or both, but the list of such occupations varies greatly from state to state. In twenty-two states a state board of health or of labor has authority to determine occupations dangerous to children and young persons under specified ages and its rulings have the effect of laws. Eight states grant extra compensation to minors injured while illegally employed. Only twenty-one states have laws regulating the employment of children in street trades in any way, and only fourteen require badges to be worn by newsboys. Thirty-five states permit boys under twelve and twenty-nine states permit girls under twelve to engage in street trades. There is some regulation by municipal ordinances.

Hours for working children under sixteen are limited to eight a day and forty-four a week in four states; not all occupations, however, are included. Twenty-five states have the eight-hour day and forty-eight hour week for most occupations; in twelve other states this is the standard, but with serious exceptions. Eight states permit children to work nine to eleven hours a day and fifty-one to sixty hours a week. In thirty-seven states night work is prohibited for children under sixteen after seven p.m. (or earlier), although in some states there are serious exceptions.

A physician's examination and certificate of fitness are required for the issuance of work permits to children under sixteen in twenty-seven states. Periodical reexamination is required in only one state, although in a number of others an examination is required each time the child changes from one employer to another. The educational requirements for work permits vary widely from state to state. In only fifteen states and the District of Columbia is an eighth grade minimum in force. In seven states the compulsory attendance law applies only to children under fourteen years; and in most others there are exemptions to permit children to leave school and go to work at fourteen or in some states even earlier, under special circumstances.

The reluctance of certain states to adopt protective standards as high as those in comparatively advanced states, and the effect of this condition of affairs in retarding legislative progress in both "backward" and "advanced" states through the competitive advantage supposed to be enjoyed by industry in states with low standard laws, led several decades ago to a demand for federal legislation in order to secure a minimum level of uniformity. The case was strengthened by considerations of national pride and welfare and by the desire to place the United States in a position to participate in international agreements on the subject of child labor.

The first federal act, passed in 1916, prohibited the shipment in interstate and foreign commerce of goods produced in mines or quarries in which children under sixteen years of age were employed; or in mills, canneries, workshops, factories or manufacturing establishments in which children under fourteen years of age were employed, or in which children between fourteen and sixteen years of age worked more than eight hours a day or six days a week or between seven p.m. and six a.m. This act was declared unconstitutional by the United States Supreme Court in 1918. The second federal child labor act, included in the Revenue Act of 1919, imposed a tax upon the profits of all mines and manufacturing establishments employing children in violation of the above standards. This act was declared unconstitutional by the Supreme Court in 1922.

The sixty-eighth Congress in 1924 adopted a joint resolution proposing to the several states a constitutional amendment under which the national legislature should have power, concurrent with that of the states, "to limit, regulate and prohibit the labor of persons under 18 years of age." More than three fourths of the states (the proportion necessary for ratification) acted adversely on this proposal. Only five (Arizona, Arkansas, California, Montana and Wisconsin) have certified their approval to the secretary of state at Washington.

The following tables based upon figures of the United States census, taken decennially, show the extent of child labor in the United States.

TABLE II

CHILDREN 10 TO 15 IN ALL OCCUPATIONS AND IN NON-AGRICULTURAL OCCUPATIONS IN THE UNITED STATES

YEAR	NUMBER OF CHILDREN		PERCENTAGE OF ALL CHILDREN 10–15		PERCENTAGE OF ALL WORKERS	
	ALL OCCUPATIONS	NON-AGRICULTURAL OCCUPATIONS	ALL OCCUPATIONS	NON-AGRICULTURAL OCCUPATIONS	ALL OCCUPATIONS	NON-AGRICULTURAL OCCUPATIONS
1870	739,164	238,779	13.2	4.3	5.9	3.7
1880	1,118,356	396,504	16.8	6.0	6.4	3.7
1890	1,503,771	591,568	18.1	7.1	6.4	4.2
1900	1,750,178	686,213	18.2	7.1	6.0	3.7
1910	1,990,225	557,797	18.4	5.2	5.2	2.2
1920	1,060,858	413,549	8.5	3.3	2.5	1.3

The rise in the number and proportion of children employed from 1870 to 1900 is in large part an expression of expanding industry and commerce, as may be judged from the comparative stability of the ratio of children to total workers. The decline for non-agricultural occupations from 1900 to 1920 reflects the influence of child labor and school attendance legislation. It is especially marked for the age group below fourteen; the number of children ten to thirteen years old in non-agricultural occupations declined from 185,660 in 1900 to 95,841 in 1910 and to 49,105 in 1920. The huge drop from 1910 to 1920 in the number of children employed in agriculture may be explained in part by a change in census practise. The change in the census date from April to January resulted in the omission of hosts of children beginning in the spring to take part during a large portion of the year in the planting, cultivation and harvesting of crops; and the new instructions to enumerators, with reference to farm children, strongly stressed regularity of work and disregard of chores and household tasks. Further, in interpreting the 1920 figures it must be borne in mind that the census of that year was taken at the beginning of a period of industrial and business depression, as was the fact also in 1930. A federal child labor act, later declared unconstitutional, was in operation; its restrictions on employment in mills and factories were of a higher standard than many of the states chiefly affected by it have yet attained, particularly in the matter of hours, the eight-hour provision discouraging the use of children where the longer working day was customary, as in southern textiles.

TABLE III

CHILDREN 10 TO 15 BY OCCUPATIONAL CLASSES IN THE UNITED STATES

OCCUPATIONAL CLASS	NUMBER EMPLOYED		CHANGE FROM 1910 to 1920
	1910	1920	
Agriculture	1,432,428	647,309	—54.8
Mining, quarrying	18,090	7,191	—60.2
Manufacturing, mechanical	260,932	185,337	—32.8
Transportation	20,800	18,912	—9.1
Trade	70,700	63,368	—10.4
Public service	537	1,130	+110.4
Professional service	3,566	3,465	—2.8
Domestic and personal	112,171	54,006	—51.9
Clerical	71,001	80,140	+12.9

As is apparent from Table III the decrease between 1910 and 1920 in the number of children employed affected each major group of occupations. The increase of 110.4 percent in public service is insignificant on account of the small numbers involved. The increase of 12.9 percent in clerical occupations suggests the rapid advance of commercial activities and the comparative attraction of white collar occupations. The decrease in number of children in domestic and personal service may be explained in part by lessened demand for household servants or by decreased willingness to seek or accept jobs of this sort. The influence of legislation, of little account in domestic service and agriculture, was very significant in the mining and manufacturing fields. In these fields the decline in the employment of children was more pronounced for the ages of ten to thirteen than for those of fourteen and fifteen, the decline for the former group being as high as 72.6 percent in mining and 71.1 percent in manufacturing industries.

A selected list of non-agricultural pursuits is suggestive in a general way of the nature and environment of some of the principal occupational activities of children:

TABLE IV

CHILDREN 10 TO 15 IN SELECTED NON-AGRICULTURAL OCCUPATIONS (UNITED STATES, 1920)

	NUMBER	PERCENT
All non-agricultural pursuits	413,549	100.0
Messenger, bundle and office boys and girls *	48,028	11.6
Servants and waiters	41,586	10.6
Salesmen and saleswomen (stores) †	30,370	7.3
Clerks (except clerks in stores)	22,521	5.4
Cotton mill operatives	21,875	5.3
Newsboys	20,706	5.0
Iron and steel industry operatives	12,904	3.1
Clothing industry operatives	11,757	2.8
Lumber and furniture industry operatives	10,585	2.6
Silk mill operatives	10,023	2.4
Shoe factory operatives	7,545	1.8
Woolen and worsted mill operatives	7,077	1.7
Coal mine operatives	5,850	1.4
All other occupations	162,722	39.3

* Except telegraph messengers.
† Includes clerks in stores.

Nevertheless, the census figures for children in gainful employment cannot be accepted as a complete and accurate picture of the number of children at work during all or a large portion of the year. No account is taken of boys and girls under ten, and in some communities there are almost as many workers under that age as between ten and sixteen. In various types of seasonal agricultural work investigations have disclosed that among the children under sixteen a quarter to a third are younger than ten; boys and girls from six to ten are also numerous in street trade and tenement homework. The number of street traders, as, for example, in the case of newsboys, from ten to fifteen is many times larger than the census reports indicate.

The census does not disclose the large number of children who work for their parents in small stores and other businesses before and after school. The census reports, moreover, embody the results of no qualitative analysis (from the standpoint of health hazards or educational values) of the jobs and occupations in which children engage.

In the United States under the direction of the various agencies many analytical studies have been made to throw light on the causes of child labor as well as on its costs. It is of course known in a general way that poverty and tradition conspire to bring about the widespread employment of children. As the general economic level of the people rises, large classes are left below the poverty line or little above it. Changes in standards of living, such as a greater demand for goods beyond a mere family subsistence, make this poverty line elastic and at times indefinite. By reason of poverty or near poverty, of economic necessity or desire for the comforts and luxuries of life, the children of the family are drawn or forced at an early age into some sort of remunerative labor. Poverty and child labor beget each other and tend to perpetuate themselves in families and communities.

In spite of the accessibility of schools and the enforcement of compulsory attendance there is a great exodus from the schools into employment as soon as the law allows. Thus in the United States in 1920, while 92.5 percent of the thirteen-year old children are enrolled in school, at sixteen only 50.8 percent have remained. Numerous studies have been made, principally in urban areas, to determine why children leave school so early; in some cases reasons listed in the reports are frequently those given by children rather than those which might be disclosed by thorough investigation. A Massachusetts report explains school withdrawals before sixteen as due in 25 percent of the cases to "economic necessity" and in 40 percent to "a real and vital dislike of school." A Chicago report ascribed 60 percent of early withdrawals to "conditions in school" and 40 percent to "conditions at home." A Cincinnati study by Mrs. H. T. Woolley (*An Experimental Study of Children at Work and in School between the Ages of Fourteen and Eighteen Years*, New York 1926) lists in order of importance the following influences: level of the child's ability, parental attitude, health and industrial or economic status of the family. L. Thomas Hopkins in *The Intelligence of Continuation School Children in Massachusetts* (Harvard Studies in Education, vol. v, Cambridge, Mass. 1924) stresses "inability to do the work of the regular school." Many other investigators emphasize unwillingness, rather than inability, to do the school work, or lack of interest in the work of the regular school.

It appears from many local surveys that scholastic retardation is more common and pronounced among children leaving school for work at fourteen than among those who stay. In several studies this difference between the groups is shown to be very marked; but according to a recent investigation in Newark and Paterson, New Jersey, the percentage of working children under sixteen who when they left school had been advanced beyond the average, in respect of the grade attained, was as large for boys and almost as large for girls as among all school children, and in Paterson was larger for both boys and girls.

These children come in hosts from poor families and poor schools; most of them have never reached the eighth grade and have no vocational training, no real knowledge of occupational conditions. The jobs which are available to them are for the most part juvenile and futureless, and little or no use can be made of them by the continuation schools for education and guidance. A recent report of the superintendent of the Boston public schools states that the number of openings for children under sixteen years of age is becoming increasingly smaller and the character of such openings progressively less desirable, and concludes that the best work of the continuation school is in training pupils to qualify for better positions at the age of sixteen. Evans, in his more general study of educational opportunities, goes further in his statement that the time spent in continuation schools by the age group of fourteen to sixteen is practically wasted because of limited employment opportunities, and that the best work of the continuation school of the future will be with the sixteen to eighteen-year group.

The results of a study made by the White-Williams Foundation (*The Working Children of Philadelphia: a Survey of the Work and Working Conditions of 3300 Continuation School Children*, by A. B. Griscom, Bulletin no. iii, Philadelphia 1924) showed that of the jobs held nearly half were "monotonous repetitive-action" jobs; more than half held but fair or poor opportunity for advancement; and many held no such opportunity whatever. Fewer than three fifths afforded a greater or less degree of "varied physical activity," and only 30 percent could be classed as offering "mentally stimulating work"; one third offered neither specific nor general training. A sixth grade education was regarded by employers as sufficient preparation for the jobs held by 68 percent of the children. Mrs. Woolley's study in Cincinnati showed that the type of factory work open to young beginners can be performed satisfactorily by the poorest 10 percent of the working group or the poorest 5 percent of the school group, so far as intelligence level is concerned. As to the general run of work opportunities for boys and girls between fourteen and eighteen, neither the degree of intelligence nor the school grade attained had any positive effect on the chances of getting a job or on the amount of wages earned.

It is not surprising, therefore, that working children discover, after the initial interest wears off, that the job is leading nowhere and tend to shift about frequently from one job to another. The demoralizing influence of child labor turnover is a matter of serious concern. Although it has been claimed that the continuation school has reduced this turnover, there is no conclusive evidence that job shifting among young workers has been materially checked for any large group. Any value for children in trying out one job after another is more than offset by the limited character of the available openings. Probably the schools could best provide this opportunity with informational and experimental courses in occupations. Moreover, child labor turnover brings with it idleness between jobs. In New Orleans, recently, it was found that 20 percent of the children under sixteen who had gone to work before that age were neither in school nor at work; in Chicago working children under sixteen were idle half the time.

In addition to the educational and vocational disadvantages suffered by children who leave school or even by those who do certain types of part time work must be counted the cost of industrial accidents, to which children are far more liable than their elders. Thousands of industrial accidents to children and young persons are reported annually in the United States, many of them resulting in permanent loss, or loss of use, of a member, in serious and permanent disfigurement or in death. Children too are more susceptible to industrial poisons and diseases than adult workers.

It can scarcely be denied that occupations involving long hours of work, late hours or night employment, continuous standing, sitting or use of a single set of muscles, emphasis on the finer neuromuscular coordinations with attendant nervous strain, indoor confinement in noisy factories and dusty trades, carrying heavy loads under the arm or lifting heavy weights, pressure of speed in the performance of simple mechanical acts, contact with industrial poisons, exposure to inclement weather, crawling and bending all day along rows of onion or beet plants, are unsuitable occupations and provide harmful conditions for growing boys and girls peculiarly susceptible to certain deformations and diseases. Nevertheless, these and other equally undesirable aspects of child labor are still characteristic.

The existing data furnish little basis for comparison of the health of working children with that of children in schools. There have been few studies yielding really scientific knowledge of the specific effects of different occupations on health and growth, but physicians who have examined working children have frequently attributed their physical and medical conditions —especially any postural deformities—to the nature of their work. Tests applied to school and working children in Cincinnati led to the conclusion that "school life favors general physical vigor and energy more than working life."

Other studies disclose not causation, but aggravation of defects and ailments. A study of the health of continuation school children in New York City (New York State, Department of Labor, *The Health of the Working Child*, Special Bulletin no. 134, Albany 1924) shows that of the 412 boys and girls examined only eighteen were without some serious deficiency or impairment, while three fourths of the total number had two or more deviations from normal development and health. No less than 49 percent were doing work which directly aggravated these defects and abnormalities, such as bad posture, flat feet, cardiac weakness and defects, throat or lung affections and nervous difficulties. In sum, the data regarding the health of working children show that defects and ailments are common, that in many cases they are caused by the work performed or its environment, that in probably the larger proportion of cases the abnormal conditions are aggravated and that neglect of these conditions is likely to bring disastrous results.

A social cost not often emphasized in discussions of child labor is summarized by Miriam Van Waters, referee of the Los Angeles Juvenile

Court, in her book *Youth in Conflict* (New York 1925, p. 116): "Cruel as is the physical waste of youth in textile industries, mills, foundries, factories, canneries, fruit, cotton and beet fields and the like, the writer is of opinion that boys and girls suffer less permanent damage to character in industries which are productive, that is to say, where they can deal with processes of production, than in 'service' industries such as 'soda jerks,' messenger, telephone operator, theatre ushering, beauty shop attendants, dance-hall instructors, waitresses, salesladies, chambermaids, bell-boys, and 'entertainers.' In these latter pursuits it is mainly youth, beauty, charm and vivacity which sell their service. . . . The shafts of 'kidding,' flattery and other attentions fall more disastrously than do industrial accidents, or the slow wear and tear of mill and factory."

On the whole, conditions and needs from the point of view of mental hygiene have not received the required attention. Boys and girls in school who manifest emotional disturbances or behavior disorders are occasionally guided into employment by the recommendation of a child guidance clinic; but the great mass of children already at work are not receiving the psychiatric service which is being offered to school children in a growing number of communities.

The transition from school to industry for children under sixteen aggravates the usual emotional stress and instability of the period, which are induced by environmental forces as well as by physical and organic changes. Leaving school and going to work is a major step in a child's life; it involves breaking away from childhood dependencies and is accompanied by diverse external and internal compulsions, such as worry over home affairs, over "making good" and "getting on in the world." The new occupation may involve difficulties of adjustment in a new and complex set of relationships. The child may have left school to escape its rigidities and restraints, only to find himself subjected to the rigidities and restraints of his job, for eight or ten hours a day instead of five or six; with a boss instead of a teacher, and a machine instead of a lesson requiring his unremitting attention. He may have left school to find self-expression through interesting work, only to find that his job and the succession of other jobs to which he may turn after a short interval are stale, monotonous and without opportunity.

Fatigue, especially cumulative fatigue which lowers the psychophysical tone and heightens suggestibility, is an important factor in the development of neurotic tendencies among working children. Employment, moreover, considerably decreases opportunity for vigorous, outdoor play, recognized as far more prophylactic in mental hygiene than the indoor, commercial amusements usually sought by the working child. The mistakes of choice and inadequacies of preparation that result from premature going to work may later eventuate in those neurotic or psychoneurotic disorders frequently found among the unemployed and the marginally, aimlessly or unhappily employed.

The importance of employment as a direct cause of juvenile delinquency has doubtless declined with the passage of legislation excluding children from occupations carrying a high degree of moral hazard. Studies of children in correctional institutions and juvenile courts reveal, however, that delinquency is much more common among working than among non-working children and much more common among children in street occupations (newsboys, errand and messenger boys and the like) than among other workers. Only in part can this difference be attributed to a difference in home conditions.

Although numerous instances of a direct connection between job and the delinquent act have been reported, the relationship between occupation and delinquency is more often a matter of general effects on personality and behavior. Much delinquency begins with truancy and much truancy with maladjustment in school. Failure in school develops the sense of inferiority which often leads the child to compensate by self-assertive behavior of an antisocial kind. But the same thing is true of employment conditions. Repression of the normal impulses, desires and powers of children at work causes them to "burst out" excessively in their hours of freedom, seeking to have a good time or to exalt their submerged and humiliated selves. Delinquency as a phase of adolescence instability is at once a revolt from monotony and restraint and an exaggerated propulsion in the direction of amusement, adventure and recognition.

Thus child labor is not to be understood by itself alone, nor is the child labor problem to be solved separately and apart from other problems of child and social welfare. It is not one, but many problems, from child health to farm relief. It involves school and education, vocational guidance, employment supervision and legal restrictions. It is coming to be a problem not only of strict enforcement of rigid laws but of establishing in law and administration, if possible, a flexibility so safeguarded as not to sacrifice to the circumstances of individual cases the protection of the mass of children.

The interrelations of child welfare problems may be illustrated by the employment of so many children in the mills and factories of England and America in the early part of the nineteenth century; their presence was due not alone to their customary employment in productive labor, whether in agriculture or in domestic industries, but to the lack of any recognized activities or established facilities of other sorts. The prevalence of poverty, especially in England, was certainly influential; but even the less poverty stricken parents saw little else to do with their children than to put them to work where their labor was wanted, either at home or abroad. The alternative was play or idleness, and play was regarded as a form of idleness. There were no such things as playgrounds or play supervision. For the masses of children schooling facilities and privileges were non-existent or extremely limited. The child labor movement has stimulated and been assisted by the movement for more and better schools and for higher standards of compulsory school attendance and by the play and playground movement. Vocational guidance has the incidental but important effect of reducing the exodus from school into industry at fourteen or fifteen. Scholarship allowances, provided under private auspices and administered by the local school system, keep in school many boys and girls whose poverty would send them prematurely into wage employment. As an educational problem child labor is not a matter merely of interference with or curtailment of school attendance but of the educational worthlessness of most juvenile occupations; it is a matter also of uneducational schooling, one of the chief causes of early going to work.

Child labor is both a cause and an effect of illiteracy and ignorance, of low wages and unemployment, of standards of living and levels of family and community life. It is affected likewise by organization of workers and maintenance of labor union standards and by the organization of consumers to boycott goods produced under substandard labor conditions. The reformist program includes all measures for the relief of dependency and the reduction of poverty, the improvement of the schools and the development of better parental and civic attitudes. Legislatively, it is concerned not alone with child labor and school attendance laws but also with minimum wages, workmen's compensation, old age insurance, grants of aid to dependent mothers and the like. Child labor reform itself is ineluctably committed to broad policies of educational and economic reform, dealing with the varied problems of adult as well as of child welfare.

RAYMOND G. FULLER

CHILD WELFARE LEGISLATION. The movement to enact legislation with regard to the rights and special needs of children was not started until the beginning of the nineteenth century, and the gains within the last thirty years have been more striking than those during the previous hundred years. This legislation has established definite status and rights for children where no such provision had heretofore been made; enacted special protective measures, first for children who were socially or physically handicapped and then in certain respects for all children; created public institutions for the care and education of children and for research into their problems; and has supervised and controlled the voluntary efforts along these lines which serve as substitutes for, or supplements to, state care. Recently there has been a movement to supplement local, state and national legislation by international agreements.

At the beginning of the nineteenth century the rights of children in statutory law in respect to health, recreation, education, protection from abuse, neglect, exploitation and exposure to physical or moral hazards or to excessive labor, or as offenders against the law were the same as for other members of the community under the common law. Even obviously helpless groups, such as foundlings, orphans and deserted children, received only sporadic or indifferent attention from the state; and certain groups, such as children of illegitimate birth, enjoyed even less protection than that accorded to the community as a whole. The province of state legislation in practise and in an individualistic equalitarian theory was conceived to be the protection of property rights rather than the protection of weaker individuals or groups in society.

Although the first protective legislation for children was enacted in England and although the United States has originated some particulars of legislation, state action and responsibility in this field have been more readily acceptable to the countries of continental Europe. Reliance on the role of individual initiative and fear of paternalism, both so strong in English public tradition, found substantial support during the pioneer period of the United States in the actual existence of such economic opportunities as free land. Even when the social costs of child neglect became obvious in striking instances of widespread abuse, in both England and the United States a greater faith was placed in private philanthropy than in public effort. Particularly in the United States the existence of large private funds, especially for orphanages and children's societies, relieved the state and federal governments of large expenditures. Only recently has there been a tendency to follow the English custom of enacting into law provisions governing the use of charitable funds and resources. The development has been from legislation which established the status of the individual child as regards custody to legislation regulating the activities of private agencies undertaking preventive and remedial work in the care of the child and finally to legislation establishing public provision for groups of dependent, delinquent, defective and otherwise socially and physically handicapped children.

The establishment of definite legal rights for the child first took the negative form of the curtailment of the rights of others to govern the child. The English law of 1822 recognized the rights of neglected and abused children to protection from their own parents, and improvements in the poor laws curtailed the right of poor law guardians to apprentice pauper children. Then came a denial of the theoretical "right" or ability of the child to govern himself or to be held to strict accountability in the making of contracts, in hiring himself out to work, in marriage, in exposing himself or being exposed to certain physical and moral risks or in the commitment of acts which were in conflict with the law.

Such legislation required a definition of age limits. The trend throughout all civilized countries is in the direction of increasing the period of protection. The Roman law recognized the child under seven as lacking in responsibility, so far as delinquent acts were concerned. Early legislation restricting the labor of children began at almost as low an age limit. The state is now clearly extending its jurisdiction to include the activities of children during their late adolescence and after. Recently several states have extended the jurisdiction of the juvenile courts, in one instance to the age of twenty-one. For the most part, in one third of the states jurisdiction of juvenile courts extends to children under sixteen, in another one third to children under seventeen and only in the remaining third to children under eighteen. In some instances where juvenile court control has not extended beyond sixteen some attempt has been made, as in the legislation of Illinois and Michigan, for separate court handling of the older adolescents.

In the conference on uniform state laws in August, 1930, there was adopted for recommendation to the various states with the approval of the American Bar Association a uniform state child labor act fixing the upper limit of legislation at twenty-one and the lower age at fourteen. This lower limit is below the standard set by seven of the states and by certain European countries. Little progress is reported, however, for the child in domestic service and agricultural labor. The period in which education becomes not only a right but a duty of the child has been correspondingly raised and the tendency is toward compulsory school attendance until the sixteenth year with some provision, where this is not absolute, for continuation school education between the ages of fourteen and sixteen. Most outstanding in this respect was the Fisher Educational Act of 1918 passed in England during the war in spite of the shortage of labor.

Similarly there has been an advance in the raising of the age of consent to sixteen, as well as in the raising of age limits in legislation which attempts to diminish the physical and moral risks to children, such as legislation prohibiting the sale of intoxicants, drugs, tobacco and the like to minors and prohibiting their presence in places and under conditions of moral and physical hazard, a category in which motion picture houses have recently been included.

Until the beginning of the twentieth century child welfare legislation displayed a vast indifference to causes and an easy contentment with rather superficial treatment of results. In the last thirty years, however, the scope of legislation has been immeasurably broadened in all countries; the number of groups aided has been increased and preventive as well as remedial measures have been emphasized. In the comparatively new field of health legislation, provisions for the physically handicapped and for the mentally retarded and defective child have been numerous and far reaching.

The first type of remedial legislation to enlist the activity of national governments referred to specific types of the more brutal and spectacular abuse or neglect by parents. Whereas in other countries legislation has vested these protective powers and the execution of remedial measures in the state or local civil departments or courts, in England, Canada and the United States specialized protective bodies privately financed and controlled, although under public supervision, prevail.

Legislation with regard to delinquency has advanced not only in the classification of the delinquent child apart from the adult delinquent but in the creation of special courts to deal with his problems. The juvenile court movement was inaugurated with the establishment in Illinois of the first children's court in 1899, but other countries have in recent years made advances beyond those of the United States. In England, Germany, France, Austria and Canada, for example, the so-called children's courts are restricted to a much more limited field of operation than the courts of the United States, which, following the Illinois pattern, include problems of personality and behavior, mentally defective children, truants, dependent and neglected children, as well as of custody and guardianship. Moreover, European practise emphasizes the educational rather than the punitive approach to many cases, such as those concerned with truancy and the adolescent sex interests of children, and has developed treatment on the basis of social and psychiatric inquiry—a procedure possible because of the smaller number of cases within juvenile court jurisdiction.

There has been a new legislative attitude toward a hitherto underprivileged group—children born out of wedlock—which is expressed as much in the elimination of such terms as "bastard" in legal phraseology as in the placing of such children on an equal status with children born in wedlock. This is especially true in the radical legislation of Soviet Russia with regard to the responsibility of both parents and of the state. In the United States the disclosure of a death rate approximately three times as high among these children as for children of married parents indicated in part a very insecure economic status on the part of the mother; the uniform illegitimacy law, framed in 1922 by the commissioners on uniform state laws and now adopted in seven states, is essentially a support measure. Under this law both parents are liable for support, and the father's responsibility through an order of support continues until the sixteenth year. There is continuing responsibility by the court, with a degree of privacy lacking in earlier legislation. Similar legislation exists in the German states, in Austria, the Scandinavian countries, Holland and England. State guardianship for children of unmarried parents does not exist in the United States except in Minnesota.

Legislation with reference to adoption is closely related to the welfare of children of unmarried parents, since such children are those most likely to be considered for adoption. It has been recognized as fundamental in every country which has a sound welfare program that legislation prohibiting traffic in babies and controlling "baby farming" and other forms of care by unregulated persons or by corporations must come within the scope of state activity. It has been recognized too that the line between child welfare legislation and other forms of public welfare legislation is difficult to draw, as for instance in measures which tend to give equal guardianship rights to both parents and in world wide enactment of mothers' pension legislation, which extends to the home the sphere of state aid for dependent children.

Because of the great divergences among the practises of various states and countries and in details and interpretation, it is difficult to do more than to state general trends in child welfare legislation. The legislation in each of the following countries is significant as a whole: England, Germany, Austria, the United States, the Union of Soviet Socialist Republics, France, Japan, Sweden, Finland, Norway, Mexico, Argentina and Denmark. The great differences in the laws of the different political units of the United States are clearly brought out in a recent compilation which gives more than 20,000 references to the social welfare laws of forty-eight states.

Progress in unification has taken place along two lines: first, in the broadening of territorial scope and, second, in the codification and unification of provisions of a particular territorial unit. Outside of the United States the chief public force making for territorial enlargement is the Child Welfare Committee of the League of Nations. This committee recently published a report on conditions among indigent alien children, which recommended that they be given the same rights to care and education as native born children. Many European countries have made reciprocal agreements, some of which date from before the war, containing provisions as to employment, repatriation and the care of alien minors.

In the western hemisphere international cooperation for working out standards of legislation has come through the establishment in 1924 of the American International Institute for the Protection of Children. In the United States the state provisions restricting importation or exportation of children from or to other states for adoption or placing have been fewer in number than those which provide for children within their immediate jurisdiction. Several efforts have been made to remedy the confusion and shortcomings of varying local and state standards which exist because of the limitations to federal action involved in the states' rights doctrine. These efforts have been made more often by advisory or research bodies than by direct legislation. Chief among them were the White House conferences of 1909 and 1919 on the care of dependent children. The recommendations of these bodies have had wide influence on state legislation; and the movement for the constitutional amendment to make possible federal control of child labor, as well as the Sheppard-Towner Act of 1921 giving more than six years of federal government aid to mothers and children, was an almost direct result of these conferences.

Unification of legislation within a given territorial unit received its first impetus in the enactment of the Children's Charter or Act which became the law of England in 1908. This was followed by similar movements in Belgium in 1912 and in other European countries. In the United States the influence of this movement was salutary. The establishment of a federal Children's Bureau in 1912 for the purpose of research and recommendation on all phases of child welfare was world wide in its significance and other countries have established similar bureaus. Another result was the setting up of commissions for the purpose of enacting unified codes. The first of these was in Ohio, which enacted such a code in 1913. Since that time twenty-nine states and the District of Columbia have appointed commissions to study the need for such legislation and have adopted unified children's codes. Although many of these commissions have no public funds at their disposal, the assistance of such governmental bodies as the Children's Bureau has been invaluable.

On the whole, European countries excel the United States not only in the provision of centralized bodies for child welfare administration but also in a better trained and more experienced officialdom and in the use of more advanced social technique, especially in children's court work. Much legislation has been passed since 1920 in the United States involving the complete reorganization of old state departments of welfare or charity or the creation of new bodies. California, Alabama, New Jersey, New York, Pennsylvania and the province of Ontario are political units in North America which have reorganized and centralized their child welfare activities.

The chief task which remains in the field of child welfare legislation is that of raising and broadening its standards to include groups and ages which should be but are not yet covered by legislation and of providing unified codes for various local units, states and countries. There is also developing within the United States in some quarters a belief in the principle prevalent in other countries, that public welfare activities should extend beyond the supervision of private agencies, which must necessarily be limited in territorial scope and in power, and that public funds instead of being granted as subsidies to private agencies in the field—a practise peculiar to the United States—should be increased and expended by public officials through public departments of welfare.

Elsie Glück

See: Adolescence; Recreation; Play; Boys' and Girls' Clubs.

Psychology; Psychoanalysis; Psychiatry; Mental Tests; Personality; Mental Hygiene.

Education; Vocational Education; Vocational Guidance; Parental Education; Sex Education; Preschool Education.

Apprenticeship; Indenture; Continuation Schools; Labor Legislation; Hours of Labor.

Social Insurance; Standard of Living; Family Endowment; Mothers' Pensions; Maternity Welfare; Public Health; Health Education; Public Welfare.

Poverty; Dependency; Charity; Social Work; Social Case Work; Placing Out; Adoption; Day Nursery; Institutions, Public; Almshouse; Poor

Laws; Deaf and Dumb; Cripples; Blind; Mental Defectives.

Crime; Juvenile Delinquency; Juvenile Courts; Penal Institutions.

Family Law; Marriage; Eugenics; Birth Control; Infanticide; Abortion; Illegitimacy; Births; Mortality; Population.

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CHILDREN, INSTITUTIONS FOR CARE OF. *See* Child, section on Institutions for the Care of Children.

CHILDREN, LEGISLATION FOR PROTECTION OF. *See* Child, section on Child Welfare Legislation.

CHINESE IMMIGRATION. *See* Oriental Immigration.

CHINESE LAW. *See* Law.

CHINESE PROBLEM. The Chinese problem consists in reality of two problems logically separate which, through a chronological accident, have become confused, resulting in a compound problem of extraordinary complexity.

The first of these two problems is one which has repeatedly arisen in Chinese history and is apparently the result of a constitutional malady of the traditional Chinese social and political system. It seems to spring from the inevitable degeneration of imperial dynasties and the consequent incapacity of the reigning houses to produce an indefinite succession of rulers capable of performing satisfactorily the exacting social and political duties required of occupants of the Dragon Throne. No better way was ever discovered for effecting the necessary periodical changes of dynasty than a free fight.

The Manchu dynasty was one of the most powerful which ever reigned in the Far East and produced some rulers who deserve to rank among the greatest which history records. Under the leadership of K'ang Hsi and Ch'ien Lung the people of China attained unprecedented numbers and wealth, art and literature flourished and Chinese civilization enjoyed great prestige wherever it was known and understood. Although the office of emperor was by no means the despotic institution which the West has commonly supposed oriental monarchy to be, it was of great importance in the Chinese social and political system; and the selection of a new dynasty at the time of the degeneration of the Manchus was at best a difficult matter. The occupant of the Dragon Throne was the symbol of unity in an empire comprising an area greater than that of all Europe and a population possibly as great as that of western Europe and Russia together. A dynastic fight in so vast a country with such imperfect means of communication was necessarily a long and painful process. Nevertheless, the foundations of Chinese society were strong enough to be little affected by struggles for the throne. The classical rules of law and order were enforced chiefly by the heads of families under the time honored patriarchal system; the authority of the patriarchs and other local dignitaries was supported by that of the mandarins charged with the practical administration of affairs beyond the competence of the local authorities. Under this old order the vicissitudes of imperial politics greatly stirred the surface of Chinese society, but underneath life continued the even tenor of its way. The most rebellious though the least revolutionary of peoples, the Chinese were capable of dealing well enough with the problem of the imperial succession as long as they were undisturbed by alien forces.

The opening up of China to intercourse with the West, however, rendered the Manchu collapse a far more serious matter than that of their predecessors, the Mings. It is this penetration of China by western influences which constitutes the second element in the compound problem, an element which from the standpoint of the old fashioned Chinese is a kind of casualty rather than a constitutional malady.

Toward the middle of the nineteenth century, after three centuries of largely fruitless attempts, western naval and military superiority extorted from the reluctant orientals the privilege of more intimate contact. Although the introduction of Buddhism from India in the first centuries of the Christian era profoundly affected Chinese life and culture, the economic, social and political consequences following contact with western civilization and the introduction of modern capitalism and science have been much more revolutionary. At this period the West itself was undergoing a profound transformation, and the Chinese were exposed not only to a foreign culture but to a foreign conflict of cultures. The nineteenth century warfare between western religion and natural science was succeeded by the twentieth century struggle between western capitalism and imperialism, on the one hand, and Marxian socialism and the Communist International, on the other. Contemporary China, invited and impelled to abandon its own time honored civilization for that of the modern West, has been faced also by the problem of choosing between the various cultures which a changing, confused West has sought to thrust upon it.

These social convulsions, combined with military disturbances normal to a change of dynasty, have created in contemporary China an unparalleled scene of confusion and disorder. Not one but half a dozen revolutions create the Chinese problem. There is revolution in agriculture and in industry, by which four hundred million "farmers of forty centuries" and mediaeval craftsmen are adjusting themselves to the new situation created by the division of labor, the utilization of mechanical power and the organization of the world market. There is a revolution in politics, by means of which the Chinese seek to reorganize their state so that it may be strong enough to maintain the universal external conditions of social order under the exigent circumstances of the modern world. There is a social revolution, by which the social relations appropriate to the Great Society are being substituted for the patriarchal family system. There is a revolution in morals, by means of which the Chinese seek to adapt their ancient classical piety to the requirements of the new nationalism. There is a revolution in art and literature, as new standards of taste and new cultural ideals contend with the traditional forms and methods of emotional expression. Finally, new philosophies of life are challenging the intellectual foundations of the old order. The humanism of Confucius and the superhumanism of Gotama are being forced to defend themselves against the worldliness of science and the otherworldliness of Christianity.

The intellectual revolution is the one which up to the present has made the least progress. Organized Christianity after four centuries of effort has succeeded in converting less than one percent of the Chinese people to Christianity in any of its forms. Although Roman Catholicism claims the greater part of the Chinese Christians the Roman Catholic Chinese have made no deep impression upon their fellow countrymen. The Protestant missionaries, who first invaded China in the nineteenth century, have been more influential than the Catholics in recent years among the upper classes. But although they have made more converts among the present rulers of the country they have no such following among the masses as the Catholics, and their powerful converts show little disposition to promote the propagation of the faith. Chinese Buddhism, unlike that in Japan, has failed to catch the social spirit of modern Christianity from either Catholic or Protestant teachers, and the future of religion in China is obscure and dubious. The efforts of missionaries to introduce western systems of education have been much more successful. Western educational institutions have put the Chinese in touch with modern science, for which they have shown a rapidly increasing appreciation. More slowly than in Japan but just as surely a Buddhist people is accepting the science of the West while rejecting its religion.

A revolution in Chinese art and literature, the venerable and impressive history of which pervades all Chinese civilization, accompanies the reception of western science. Although the poverty of the masses and the indifference of the rulers of the country to the artistic functions of the state have unduly restricted gratification of the artistic impulse, aesthetic sensibilities, expressed through a love of flowers, gardens and landscape architecture, painting and poetry, a well developed theater, a highly cultivated culinary art and social etiquette and such a refined form of play as philosophic discussion, are undoubtedly acute in China. The introduction of western motion and sound pictures has made possible the immense popularization of new art forms, and the efforts to produce a new literature in the vernacular are harbingers of a new literary age. Changes in the intellectual outlook of the Chinese are likely to occur even more rapidly in the future than they have in the past and must have consequences in all aspects of Chinese life.

The industrial revolution in China has made comparatively slow progress in agriculture, as it is hindered by the poverty of the peasants and the constant fighting among rulers. For the most part China's "farmers of forty centuries" continue to practise an agricultural technique which has been little changed during a thousand years. To be sure, a beginning has been made in the introduction of farm machinery, especially in the grain growing regions of North China and Manchuria, and there have been some efforts to improve seed selection and to eliminate destructive parasites, especially in sericulture. Agricultural experiment stations have been established by several mission colleges, which have made important improvements in the cultivation of cereals and of silk. Tobacco companies have made systematic efforts to introduce and improve the cultivation of tobacco. A noteworthy experiment is that fostered by the China International Famine Relief Commission for the establishment of cooperative agricultural credit societies. Above all, the construction of better roads and the introduction of modern transportation are making possible more efficient marketing. In central and southern China, where rice is the leading crop, a revolution in agriculture is probably not to be expected in the near future, but in the wheat and corn belts of the north more rapid changes seem likely to take place. Although the backwardness of the Chinese farmer has already lost him the bulk of the silk and tea export business to his competitors in Japan, India and Ceylon, the extraordinary expansion of the soy bean industry in Manchuria demonstrates what can be done on Chinese soil by modern methods. With the restoration of political stability these methods will undoubtedly be rapidly and widely introduced; their importance will be incalculable, for the bulk of the population still lives on and by the soil.

Much more striking has been the mechanization of urban manufacturing. The introduction of factories, steam, electricity and gas engines, begun before the World War, has proceeded rapidly since its close, especially in the larger treaty ports. The growth of the textile industry in eastern and central China, especially in Shanghai and Hankow, where cotton mills have sprung up in great numbers, and of flour milling in the grain growing regions of the north, attest the facility with which Chinese capital can accommodate itself to western factory methods. Exact statistics are lacking for the measurement of these developments, but the expanding volume of bank clearings and international trade clearly reveals the increasing productivity of Chinese industry. Large scale industry has brought with it western forms of business enterprise, notably the limited liability corporation, and the development of a huge class of dependent wage earners. The thoroughly occidental spirit of the revolution in Chinese industry since the World War is indicated by the rapid organization of labor unions and the ready response to socialistic and communistic propaganda among suffering, discontented factory workers. But these class conscious factory workers are only the advance guard of the proletarian masses which the industrial revolution will eventually produce in China. Although the Chinese federation of labor at the height of its power in 1927 claimed several million members, the bulk of the urban population remains devoted to the practise of the arts and crafts as in Europe a century ago. It is, however, increasingly fearful of the loss of employment threatened by the rising tide of factory made goods. There has been in China no nineteenth century transition from the old order of handicrafts and domestic economy to the new order of the giant factory.

The revolution in Chinese society which accompanies the revolutions in industry, in art and literature and in philosophy introduces further complications. The social order in China, since the dawn of Chinese civilization, has been the patriarchal family system, and upon this foundation has been erected the whole superstructure of Chinese morals and politics. But now the patriarchal system has come into conflict with the individualism of the modern business man and the socialism of the modern wage earner. The authority of the patriarch is being challenged by that of the captain of industry and of the labor organizer. From an inveterate family conscious people the Chinese are about to become a business corporation, trade union and state conscious people. The old fashioned "big" family under the traditional domination of the grandfather is breaking down into the modern "little" family with the father at the head. Sons and daughters are acquiring a new freedom as in the West, and paternal as well as grandfatherly authority enters upon a decline. In nothing is the new social order more strikingly manifest than in the changing position of women. The young women of China are leaving the ancestral home for the college and university as well as for the factory and department store and, like their brothers, are learning to look to New York, Paris or Moscow for their ideas not only of economics and politics but also of social order and discipline. Thus the social revolution brings with it a revolution in morals. The emancipated young woman insists on bobbing her hair, shortening her skirts and choosing both her occupation and her husband. The cigarette—but not yet chewing gum—becomes a popular indulgence with both sexes, and youth dances in public and pursues other novel western pleasures to the accompaniment of much shaking of heads by the elder generation.

All these revolutions in philosophy, literature, art, industry, social organization and morals conspire to produce an unparalleled revolution in Chinese politics. This least revolutionary of peoples must suddenly and simultaneously replace not merely a degenerate dynasty but also the crumbling foundations of the state itself.

There has been, consequently, an effort in the first place to strengthen the state so that the people may assimilate western culture at their own pleasure instead of at the pleasure of foreigners exploiting a sudden superiority either through veiled arrangements such as treaty ports and spheres of influence or through organized violence. Under the Manchus the Chinese Empire was not a state in the western sense of the term, but rather a system of international relationships. By means of the imperial authority, when the empire was in good working order, the peace was kept throughout the Far East and the various subject peoples were made free to manage their local affairs in their own way. But the exigencies of the revolution have called up a developing nationalism like that of the peoples of the West, in order that the Chinese may be able to stand alone under strenuous modern conditions. This movement has been expressed in part in such efforts to throw off foreign control as the Boxer Rebellion and subsequent periodic outbreaks of antiforeign feeling like that of 1925–26, attended by violence, a boycott of foreign goods and the Kuomintang's drive for power. The effort to create a strong national state has induced an attempt to form a competent central government and vigorous provincial and local governments, all sustained by the organized opinion of a patriotic people. To this end Chinese reformers and revolutionists have agitated for western political devices, notably representative and popular government in the technical sense of the terms, to be established in combination with those features of the ancient political system which have not outlived their usefulness. The revolutionary trend has been in the direction of a democratization of Chinese political institutions through a reconciliation of Chinese political philosophy and western political science. Finally, so that the people of China may obtain from their rulers such services as citizens of a modern state have a right to expect, there has been a demand for the expansion of the functions of the state.

The late leader of the Chinese revolutionists, Dr. Sun Yat-sen, had in mind such changes when he formulated the famous revolutionary creed known as the "Three Principles of the People." He declared for a state with a government which would be indeed a government of the people, by the people and for the people; that is, one based upon the principles of national independence and popular sovereignty and designed to promote the general welfare. These principles of nationalism, democracy and what for lack of a better name may be called socialism the Chinese revolutionists emblazoned upon their banners; and they attest the impact of western civilization upon the ancient culture of China as surely as do sewing machines, machine guns or motion picture palaces.

Dr. Sun provided the Chinese revolution with a plan of action as well as with a set of principles. In accordance with this plan the revolution will pass through three stages. First comes the stage of military operations, during which the revolutionists will overthrow reactionary forces still surviving in China and establish themselves in power. The second stage is that of political tutelage, during which the revolutionists will educate the people in the duties of modern citizenship and their leaders in the duties of statesmanship. The government of China during this stage will be a dictatorship of the revolutionary party. The third stage is that of constitutional government, to be ushered in after the gradual introduction of local and provincial self-government has laid the foundations for nation wide democratic institutions. In addition to this theory of revolution Dr. Sun contributed to Chinese political philosophy a theory of education and a theory of government. The classical political philosophers had always insisted upon the importance of right education for the rulers of the state but had paid little attention to the education of the people. Dr. Sun insisted upon the education of all the people, but recognized a distinction between those who were naturally fitted for the conduct of public affairs and those who were not. The latter, he urged, should be trained for citizenship, while the former alone should be trained for statesmanship. Thus it would be possible to reconcile the institutions of modern democracy with the system of selecting by competitive examination public officers who might be removed upon impeachment by the censors, which is one practise of the old empire still serviceable. Whatever may be thought of some details of Dr. Sun's program, his plan is based upon a political philosophy comparing favorably with that of any other modern revolutionary leader.

Confidence in the capacity of the Chinese to regenerate their state has been much shaken by the turmoil and confusion which have accompanied the overthrow of the effete Manchus and the downfall of the old fashioned mandarins. The student body, indoctrinated with revolutionary theory, acts as an advance guard, but the most effective mass leadership seems still to be exercised by generals fighting for power, who despite their show of respect for the ostensible principles of the revolution bring little substantial change into political practise and whose reckless soldiers continue to overrun the country. Politics is with difficulty distinguished from civil war, and even as such it does not represent simply the conflict of drives binding the Chinese people but in some measure also the influence of foreign powers on whose support, financial or otherwise, the military overlords rely. Since the revolutionists drove the last of the old militarists from Peking there has been a revolution of colors throughout China, but military dictatorships continue for the most part to dominate the political scene. The revolutionists proclaim the end of the period of military operations and the beginning of the period of tutelage, but still there seems no better way of changing the men at the head of the state than by fighting. Nevertheless, it is difficult to believe that the Chinese will ultimately fail to regenerate their state in accordance with the plans of the revolutionary leaders, unless the memory of their past can be blotted out and their exposure to the influence of the West thoroughly brought to an end.

ARTHUR N. HOLCOMBE

See: GOVERNMENT, section on CHINA; AGRICULTURE, section on CHINA; ART, section on CHINA; INDUSTRIAL REVOLUTION; EUROPEANIZATION; INTERVENTION; EXTERRITORIALITY; COMMERCIAL TREATIES; CONCESSIONS; FOREIGN INVESTMENT; OPIUM PROBLEM; FAMINE; MISSIONS; NATIONALISM; KUOMINTANG; COMMUNIST PARTIES; FAR EASTERN PROBLEM.

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CHIRONI, GIAMPIETRO (1855–1919), Italian jurist. Chironi was professor of private law at the University of Turin for thirty-three years and held many public offices. He began his career at a critical period in Italian law. With Cimbali, Gianturco and Polacco he played an important part in the discussions on method (which led to the adaptation of German methods in the study of Roman law), contributing to the regeneration of private law studies in Italy. This new method was adopted by Chironi in his *Trattato di diritto civile italiano* (Turin 1904) in collaboration with his pupil Abello. Italian juridical development, however, had probably not yet reached a sufficiently advanced stage to enable Chironi to build the system he had framed, and the work was interrupted at the first volume. He was most successful in filling existing gaps in his *La colpa nel diritto civile italiano* (3 vols., Turin 1884–87; 2nd ed. 1896–1906), which considers every aspect of the doctrine of torts. There followed *Trattato dei privilegi, delle ipoteche e del pegno* (2 vols., Turin 1894–1901; 2nd ed. 1917), in which he expounded a general doctrine of security. Chironi's numerous periodical publications were collected in four volumes as *Studi e questioni di diritto civile* (Turin 1915), and a fifth volume, *Nuovi studi e questioni* (Turin 1922), was published posthumously. It is in these five volumes particularly that a clear statement of general conceptions is to be found. He held that modern law is but a consequence of historical evolution; hence no interpretation is possible apart from history and comparison. He insisted, moreover, upon the necessity of combining the study of ancient Italian law with that of contemporary foreign legislation. The *Istituzioni di diritto civile italiano* (2 vols., Turin 1888–89; 2nd ed. 1912) reflects Chironi's whole academic activity and represents a synthesis of his intellectual resources.

MARIO SARFATTI

CHIVALRY

EUROPEAN. Chivalry was one of the great representative institutions of the later Middle Ages in Europe: it marked the transition of society from the anarchy of feudal war to the settled civility of peace and order. In whatever age or clime this transition occurred some organization of a chivalric character tended to spring up, and thus chivalry had close affinities with similar institutions in other regions and in other periods of history, as for example with Bushido in ancient Japan.

Chivalry as such, however, was peculiar to mediaeval Christendom and we are here concerned with no other form than that which arose in western Europe at the time of the crusades. The eleventh century saw its initiation; it was at its height during the twelfth and thirteenth; and the next two centuries witnessed its degeneracy and decline.

In its complete and final form chivalry was a curious and rather incongruous amalgam of three distinct elements: war, religion and sexual love; but common to all three was the factor of "service." The true hero of chivalry rendered service—voluntary, unrestricted, lifelong, without thought of self or of remuneration, a service which, however lowly, involved no degradation—first to his feudal lord, secondly to his divine sovereign and thirdly to his lady love. The link between war and religion was the crusades; the link between religion and love was the worship of the Virgin Mary, which was peculiarly developed among the crusading orders.

The military element, which was basic, can be traced back to remote times. William Caxton, the English printer, in his preface to Ramón

Lull's *Book of the Ordre of Chyvalry* (1484), claimed for knighthood an antiquity not less than that of Adam and Eve, asserting that it was the earliest divine device for the recovery of the human race from the ruin of the fall and identifying the archangel Michael as the first knight. Scientific history has not as yet verified this hypothesis. It is content at present to trace the military element in European chivalry to the Teutonic *comitatus* as described in chapter thirteen of the *Germania* of Tacitus. It seems to have been the custom for German boys of good birth to enter the service of kings and chiefs, to be trained in the use of arms and, when they attained maturity, to be formally admitted by the ceremonial girding on of a sword into the select company of the companions of the lord. The *comites*, or gesiths, thus initiated were bound to the lord by ties of inviolable loyalty; they pledged themselves to remain faithful to their captain even unto death. The lives of the Merovingian saints reveal the system as still in full working order among the Franks of the seventh century. Not, however, until Carolingian times did it reach its full development or receive its most important extensions. During the mayoralty of Charles Martel (714–41) the Frankish kingdom was threatened with extinction by Moorish hosts from beyond the Pyrenees. In the ninth century, after the death of Charlemagne in 814, great invasions of Vikings, Magyars and Slavs further menaced the existence not merely of the Franks but of Christian civilization itself. The central government of the Franks was unable to cope with these new perils. To meet them hitherto independent freemen "commended" themselves to the local lords, rendering them service in return for protection, helping them to fortify, defend and provision their castles and receiving from them shelter and support in times of stress. On the other hand, bodies of *caballarii*, or horse soldiers—the only type of military power capable of meeting and repelling the invaders—were formed; these were bound to the service of the kings or local lords who conferred upon them grants of land for the maintenance of themselves and their numerous attendants. Thus from the threefold source of *comites*, *commendatores* and *caballarii* sprang the institution of feudal knighthood, the nucleus of militant chivalry.

The virtues or merits of feudal knighthood were "valour, troth, and largesse." Its countervailing vices or defects were extreme quarrelsomeness and pugnacity, merciless cruelty to the vanquished, lack of a sense of common humanity, faithlessness to those outside the circle of feudal obligation and frequently an impious disregard of religion. The limits of feudal obligation were, moreover, exceedingly narrow, and beyond them lay vast regions wherein the feudal knight roamed as a wild beast seeking his prey. The authentic story of the English bandit earl Geoffrey de Mandeville and the legendary romance of the French robber knight Raoul de Cambrai are alike eloquent of unmitigated savagery.

No doubt the qualities of the lion and the tiger, properly attributed to them by Flach, were those demanded of the defenders of the relics of Roman culture against the fierce invaders of western Europe. By 1000 A.D., however, the period of their usefulness was over. The invaders of Christendom had been either driven off or reduced to order, and in a period of organized central government the feudal knighthood remained a dangerous and obstructive anachronism. In its impregnable castles, no longer needed as places of refuge from alien raiders, it defied the royal authority; its mailclad cavalry, no longer usefully employed in beating back hordes of Saracens or Danes, infested the countryside, keeping the whole of Europe restless with private war. The church achieved a degree of success little short of miraculous in the task of taming the measureless ferocity of knighthood. Under church influence religion was associated with war, and the service of God was superimposed upon the service of the feudal lord.

In the early days of Christianity, while the Roman Empire was still pagan, the church had wholeheartedly condemned war as devilish and had encouraged the primitive believers to decline service in the imperial armies. After the conversion of Constantine in the fourth century, war in defense of Christendom, for the propagation of the faith or for the suppression of heresy, had been recognized as a legitimate if regrettable instrument of the divine will. After the rise of Islam in the seventh century it became still more generally recognized that the church might properly be militant here on earth; for it appeared that only with the sword could Christendom save itself from annihilation by the militantly proselytizing Moslems. It was not, however, until the Seljuk Turks captured Jerusalem in 1076 and commenced the systematic persecution of Christian pilgrims that the church proclaimed war to be the supreme duty of the knighthood of Europe. The formal consecration of war as an instrument of religion may be said to have occurred at the Council of Clermont in 1095, when Pope Urban II proclaimed the first crusade and when amid scenes of indescribable enthusiasm the assembled knighthood, priesthood and populace of Europe took a solemn oath to rescue the sacred sepulcher from the hands of the infidel. The great cry, "It is the Will of God," marked the conversion of feudal knighthood into Christian chivalry.

The period of the great crusades lasted from 1095 until the final expulsion of the crusaders from the Holy Land in 1291. That period was the so-called "golden age" of Christian chivalry, when the church made strenuous efforts to control war, to direct it to holy ends and to mitigate its ferocity. It succeeded marvelously in exalting and refining the ideal of knighthood. To the primitive Teutonic virtues of courage and constancy it added the Christian graces of piety, humility and the general service of the weak and oppressed. The Council of Clermont itself had decreed that every boy of noble birth, when he attained the age of twelve, should take an oath before his bishop that "he would defend to the uttermost the downtrodden, the widow, and the orphan." The pagan Teutonic ceremony of sword girding was converted by the church into a solemn ordination akin to that which signalized the entry of a priest upon his sacred duties. The prospective Christian knight was made to pass through a bath, emblem of purification from sin; he was clothed in garments white, red and black, symbolic respectively of innocence, sacrifice and death; he was required to perform an all night vigil in a church, followed by confession, mass and sermon; the sword with which he was to be girt was consecrated to the service of God; vows of obedience and chastity were imposed upon him. Only after the church had dealt with him for twenty-four hours was he surrendered, semi-ordained, to his feudal lord to be invested with his weapons, to receive the accolade, to be placed upon his horse and to be put through his military exercises.

While it is true that in every generation there shone forth brilliant examples of consecrated militancy, it cannot be said that the Christianized knighthood of the golden age of chivalry generally lived up to the ideals of its ordination. The records of heroes like Godfrey of Bouillon, Tancred of Sicily, William Marshall, Saint Louis and the Cid are eloquent of the influence of religion in exalting and purifying the standards of knightly character. But, in general, violence and lust proved too strong to be mollified and subdued by the discipline of the church. The records of the crusades from the *Gesta francorum* at the beginning to the chronicles of Joinville at the end of the period bear overwhelming testimony to the fact that no purification, no ordination, no exhortation, no conjuration, sufficed to keep the chivalry of Christendom within the bounds of decent behavior. The scenes enacted in 1096 as the first crusaders made their way through Hungary to Constantinople would better have befitted a horde of marauding vikings than the soldiers of the Cross and, similarly, the orgies that disgraced the camp at Damietta in 1249 during the last but one of the great crusades, under the very eye of the saintly Louis IX, showed that the knighthood of Christendom remained unregenerate still.

The nearest approach to the effective harmonization of religion and war was seen in the institution of the great crusading orders of knighthood. The Hospitalers, or Knights of St. John of Jerusalem, existed as a charitable order in the middle of the eleventh century, before the Holy City fell into the hands of the Seljuk Turks in 1076. Their function was to establish and maintain hostels for the shelter and comfort of Christian pilgrims. The capture of Jerusalem and its recovery by the crusaders in 1099 drew the Hospitalers from innkeeping into belligerency, and in 1118 one section of the order was formally converted into a militant knighthood. Jerusalem remained the headquarters of the order until 1187, when Saladin recovered the city for Islam. For the next hundred years Acre was its base. When Acre was lost to Christendom the order moved in turn to Cyprus in 1291, Rhodes in 1310 and finally Malta in 1530. The capture of Malta by Napoleon in 1798 virtually extinguished it.

The Knights Templars were a militant organization from their first institution in or about 1118. On the one hand they were monks of the strictest and most ascetic Cistercian type, pledged to chastity, obedience and poverty; but they were also knights bound by their vows to wage truceless war upon the infidel until the church should be universally established. For a short time they seemed to be the very embodiment of crusading zeal; popes blessed them, councils confirmed them, the saintly Bernard himself framed their statutes and composed in their favor a notable treatise *De laudibus novae militiae*. But popularity soon corrupted them and lavish benefactions demoralized them. They became lazy, self-indulgent, proud, quarrelsome, lawless. When they were expelled from Jerusalem in 1187 and from Acre in 1291, unlike the Hospitalers they found no new home and no new work to do. Suspected of heresy, accused of shameful vice and having unmistakably outlived their usefulness, they were suppressed in 1312.

The Teutonic Knights, founded about 1128 by a wealthy German, combined the care of the sick and poor with the profession of arms. On the expulsion of the Christians from the Holy Land in 1291 they moved to Venice but soon found a new sphere of crusading activity on the confines of their own country. In 1309 they fixed their headquarters in Marienburg on the Baltic and from that base undertook the task of conquering and evangelizing the heathen of Prussia, Lithuania and Esthonia. In Prussia they remained, with many fluctuations of fortune, until the time of the Reformation, when their grand master, Albert of Hohenzollern, accepted Lutheranism and converted his elective mastership into the hereditary dukedom of Prussia, held as a feudal fief from the king of Poland.

During the twelfth and thirteenth centuries both the Templars and the Hospitalers rendered aid to the Christian kings and counts of the Spanish peninsula in their secular conflicts with the Moors. Such assistance, however, was spasmodic and inadequate, and from the middle of the twelfth century separate orders were instituted for this purpose. Of these the four most important were those of Calatrava (1164), Avis (1166), St. James of Compostella (1175) and Alcántara (1183). Together they played a prominent part in achieving the great victory of Las Navas de Tolosa in 1212 by which the Moorish ascendancy in Spain was finally overthrown.

These crusading orders, whether in the eastern Mediterranean or the western, marked the nearest possible approach to the harmonious blending of war and religion—knighthood and monkhood—in the institution of Christian chivalry. But long before the period of the great crusades had come to a close a third element had added itself to war and religion as an ingredient in the ultimate chivalric mixture. This was the curious and apparently incongruous element of "gallantry," or pursuit of woman. The crusading orders, it is true, had from their initiation been conspicuous for their devotion to the Virgin and for their veneration for the holy women of the calendar. All knights, moreover, from the time when the church took their ordination in hand, had been specially sworn to serve as the protectors of female weakness against the violence of dragons and the machinations of devils. No doubt the habitual contemplation of feminine sanctity and the constant search for adventures on behalf of distressed maidens predisposed the lusty horsemen of Christendom to that passionate transference of their devotion from the ideal to the actual and from the general to the particular which was involved in "gallantry." But "gallantry" itself was by no means of ecclesiastical origin, nor was it ever regarded with anything save severe disapproval by the church. Its incorporation into chivalry implied a deep degradation of knightly standards of conduct, and the social evils which resulted from its prevalence ultimately necessitated the suppression of chivalry itself as a recognized institution. For "gallantry" was nothing more or less than conventionalized adultery and socialized bigamy.

Marriage among the secular knighthood of Christendom was little more than a consecrated feudal incident, usually arranged, without the consent or even the cognizance of the persons primarily concerned, by lords or guardians who had purely business interests in mind. Hence a knight was not expected to love his wife, and his erotic passion was usually lavished promiscuously, irrespective of vows, on all and sundry who would accept it.

This errant passion, or bestial lust, was little affected by extreme clerical views on the virtues of ascetic celibacy. The troubadours, however, by means of their exquisite lyrics gave an aesthetic decoration to sexual love and concentrated the wandering passions of the erstwhile errant knight on one sole object. It came to be regarded as proper that every knight should have, in addition to the wife appendant to his fief, a lady love to whom he gave the devotion of his heart and on whose behalf he did desperate deeds in tournament and in war. As the inevitable counterpart of this bigamous system it had to be recognized that every lady might be expected to have both a husband and a paramour. If northern France, and especially Normandy, was primarily the home of that blend of militancy and piety that led to the crusades, so was southern France, and especially Provence, the main source of that poetic "gallantry" that leavened all the later mediaeval chivalry. It was not until the thirteenth century, when Provence was incorporated into the French system, that the full sway of "gallantry" was established. This establishment marked the beginning of the degeneracy and decline of chivalry.

In the fourteenth century the institution seemed more flourishing and luxuriant than ever before. Of all the pictures of chivalry in action those presented by Froissart in his chronicles are the most gorgeous and fascinating. Few of the ideal knights of chivalry can compare with Edward III, the Black Prince, Bertrand du Guesclin, Sir Walter Manny and Sir John Chandos. There had never been, moreover, in earlier days a more splendid creation of new knightly orders; the Order of the Garter in England (1349), the Order of the Star in France (1351) and the Order of the Annunciation in Savoy (1392) were among the most magnificent of their kind. Furthermore, never before had so much attention been paid to the education of the page (a boy of from seven to fourteen years of age), the squire (a youth of from fourteen to twenty-one) and the knight in all the exercises of war, religion and love. Never had jousts and tournaments been organized on a more splendid scale. But the institution of chivalry was on the decline. The new orders created were merely decorative. The jousts and tournaments had little relation to actual war. The training of pages and squires was as remote from the requirements of the life of the adult warrior as is the education given today in the public schools of England from the requirements of the modern business world. The aberrations of "gallantry" were ceasing to be tolerable to a society that was becoming increasingly commercial.

The advent of an effective infantry, armed with spears for defense and with deadly archery for offense—and still more the appearance of artillery capable of reducing castle walls to heaps of ruins—democratized war and made the paraphernalia of chivalry obsolete. The Hundred Years' War between England and France, the opening phases of which Froissart depicts, although it witnessed many chivalric episodes deliberately staged, was fought out by national armies in complete disregard of the principles of knightly combat. Still further removed from the realms of chivalry were the furious conflicts of the Wars of the Roses in England, the so-called "religious wars" in France or the Thirty Years' War in Germany.

Nevertheless, chivalry, although it vanished from the world of practical affairs at the close of the Middle Ages, continued to exist in the world of social convention. Such a decorative order as that of the Garter kept its fascination for the friends of kings, and new ones—e.g. the Golden Fleece in Burgundy (1429), St. Michael (1469) and the Holy Ghost (1578) in France—constantly sprang up and attained eminence. Perrot, the historian of chivalry, was able to enumerate no fewer than 234 orders existent in 1820 and since then, especially in England, many new ones have been instituted. They have, of course, no practical significance whatsoever. They are merely inexpensive ornaments by means of which sovereigns can manifest approval of conspicuous service on the part of faithful subjects.

When Perrot published his *Collection historique des ordres de chevalerie* a curious revival of interest in mediaeval chivalry was taking place. It was one phase of that romantic reaction following the excessive rationalism and utilitarianism of the revolutionary era from 1789 to 1815. A copious literature sprang up under its influence in many European countries and even in America. Worthy of special mention are Kenelm Digby's *Broadstone of Honour* (1822), J. G. G. Büsching's *Ritterzeit und Ritterwesen* (2 vols., Leipsic 1823), G. Ferrario's *Storia ed analisi degli antichi romanzi di cavalleria* (4 vols., Milan 1828–29) and G. P. R. James' *History of Chivalry* (1830). These writers, peering through the blood-red haze of the revolutionary terror and the Napoleonic wars, dwelt upon the courage of the mediaeval knights, their piety, their devoted service to the weak and the oppressed, their fine courtesy, their delicate sense of honor. And in illustration of their theme they depicted in glowing language the noble lives and fine achievements of such selected heroes as Godfrey of Bouillon, Tancred of Sicily or the Chevalier Bayard.

This excessive eulogy of chivalry on the part of the romantics was followed by a cold douche of criticism on the part of realistic historians. They pointed out that model knights like Godfrey, Tancred and Bayard were rare exceptions in the midst of most unattractive and unedifying normalities and that, generally, chivalry was ineffective in war, obscurantist in religion and antisocial in love. They held that it glorified fighting for its own sake, that it fostered persecution and that it disseminated a gross immorality; that its courtesies were confined to a very limited class and that outside the range of its narrow sympathies it was cruel and insufferably proud.

On the whole, however, chivalry may be said to have marked an upward step in the march of humanity from savagery to civilization. In spite of its defects, it exalted the standard of honor; it enlarged the conception of generosity; it attached manhood to the service of religion; it developed and instilled a fine code of good manners; and it inculcated a splendid ideal of social service.

F. J. C. Hearnshaw

Arabic. The flower of chivalry, which, nurtured by Islam, reached its fullest bloom in Saladin and his contemporary Usāmah, had its roots in ancient heathen Arabia. Particularly among the Bedouins of north Arabia do we notice those prime elements which enter into the composition of a chivalric knighthood. To the denizens of the desert fighting was a chronic mental mood, *ghazu* (razzia) a national sport, camel raiding the only manly occupation and blood feud the most important institution. One Christian tribe, the banu-'Udhrah, was proverbial for its respect for womanhood and Platonic love.

Chivalry in its primitive form, implying a body of horsemen equipped for battle, was developed in the first centuries of the Christian era with the introduction of the horse from western Asia. The horse soon became a war animal and inspired a whole literature in Arabic.

In desert land, where forage was scarce and the horse an animal of luxury, the *fāris* (horse rider) gradually became the equivalent of *sayyid* (chief). With the necessary traits of leadership he usually combined a gift for poetry, by means of which he aroused the martial enthusiasm of his tribesmen, extolling their virtues and those of their ancestors and emphasizing the weaknesses of the enemy. The Bedouins came to consider most enviable the title *shā'ir fāris* (poet knight) and to regard tribal superiority as based on horsemanship, poetry and generosity, the last as an index of wealth.

In the *ayyām al-'Arab*, the tribal combats of the pre-Mohammedan era, the early warriors of the Arabian peninsula rode forth in quest of adventure, rushing to the rescue of captive maidens, offering succor to the helpless and in general typifying the qualities of *murū'ah* (manliness) most highly prized by Arabians: courage as measured by the number of adversaries killed, loyalty as evidenced by devotion to the interests of the tribe and generosity as manifested by the readiness to slay camels for the guests.

The pages of *al-Aghāni*, *al-'Iqd al-Farīd*, and the numerous *dīwāns* are replete with illustrations of chivalric virtues as well as its vices, such as persistence in revenge, intolerance of others and illicit sex relations. Al-Shanfara, Zayd al-Khayl (Zayd of the Horses), 'Adi ibn-Ḥātim, 'Amr ibn-Ma'dīkarib the champion of Yaman, Muhalhil ibn-Rabī'ah and 'Antarah ibn-Shaddād may be cited as types of pre-Islamic heroes. Al-Shanfara was taken captive while young and on his release took an oath to kill a hundred from among his captors. After making his ninety-ninth killing, so the story goes, he was himself overpowered and slain. A member of the enemy tribe, however, happened to stumble one day on al-Shanfara's skull as it lay bleaching on the ground and received a wound in his foot which resulted in his death; thus the revenge was consummated.

The name of 'Antarah has lived in Arabic literature as the symbol of chivalric conduct. This Bedouin Achilles, who flourished in the last decade of the sixth century, was the son of a black slave woman and could not therefore be regarded as a legitimate member of the family unless so acknowledged by his father. On one occasion, while his father's tribe was hotly engaged in battle, the lad refused to take part, saying, "A slave knows not how to fight, milking camels is his job." Thereupon the father shouted, "Charge! thou art free." The tale of 'Antarah's romance (*sīrah*), which took its present form during the crusades, is still relished by large audiences in the cafés of Cairo, Beirut and Bagdad.

To these pagan Arabian rudiments of chivalry, which Islam inherited, it added its own contribution. In Islam the consecration of war to the service of religion—two seemingly incongruous ideas—and their fusion into a homogeneous whole were carried to a more successful extent than in any other major religion. Of all systems of belief Mohammedanism is the only one which holds "holy war" (*jihād*) among its cardinal tenets and promises him who dies on its battlefield a passport to heaven.

Mohammed was himself an orphan who had felt the pinch of poverty, and in his social legislation favoring the fatherless and motherless, the poor, the slaves, the wayfarers, he promulgated the most humane part of his code (*Koran* 4:2,3, 40; 16:73; 24:33, etc.). To the two fundamental principles of chivalry, war and religion, the third, gallantry, was now added. Nevertheless, Arab chivalry even in its Islamic development remained a spirit, a way of life; it never became as in the Occident an organized institution. In the Moslem army of conquest the distinctive qualities of the chivalric knights, which at their best were valor, honor, piety and love and at their worst ferocity, perfidy, fanaticism and lust, were all well represented.

The early Moslems, like the heathen Arabians, considered a man educated and cultured if he could compose in prose and verse, ride, swim and shoot arrows. Such a person was called *kāmil* (the perfect one). The first Arabic poets who wrote especially of love and sang the praises of the fair sex were all post-Islamic.

Those first crusaders who came into the Holy Land cherishing a vague idea that the Saracens were idolators were soon disillusioned. The early contacts showed the mailed gentleman of Europe that he had met his match in Asia and that neither in magnanimity nor in military prowess was a Coeur de Lion superior to a Saladin.

Saladin (Ṣalāḥ-al-Dīn) exemplified all the virtues and graces of Arab chivalry. When the crusading army entered Jerusalem in 1099 it inaugurated the "kingdom of God" by slaughtering some two thousand Christians and Jews. When Saladin retook the city in 1187 he accepted ransom for men, women and children and released several thousands who could not pay. Those same women and children found the gates of Tyre closed against them by Conrad and the Italian sailors in Alexandria unwilling to take them on board without due payment. Reginald of Châtillon, who in violation of treaty terms had attacked a caravan near his stronghold Crac (Karak), fell into the hands of Saladin after the battle of Ḥaṭṭīn in 1187. The latter had sworn to take with his own hand the life of the breaker of the truce. The prisoner was offered a cup of refreshments; but Saladin was quick to explain that since it was not ordered by him the drink did not constitute an amnesty, the Arab custom being that of considering any one safe after partaking of the hospitality of another.

It was, in fact, on the plains of Syria that European chivalry developed out of a mass of usages, mainly Gallic in origin, into an organic form. As early as the eighth century the Umayyad Caliph al-Walīd (705–15) had houses built for the lepers and insane, and it was in Syria early in the twelfth century that the first formal orders of knighthood, the Hospitalers and the Templars, were established. The Order of St. Lazarus, which was founded for assisting the lepers, and the many lazar houses which grew later in the West followed the eastern precedent.

In Spain, Cordova with its frequent jousts and tournaments was the hearth of Arab chivalry. To the Moslem courts of al-Nāṣir (912–61) and his son al-Ḥakam (961–76), where a punctilious code of honor was assiduously cultivated, flocked Christian knights under guaranty of safe conduct to break lance with the Moorish cavaliers. In Granada in 1400 ibn-Hudhayl wrote *The Ornament of Chevaliers and Banner of Gallants*. The queen of Alfonso VII, besieged in Azeca in 1139, needed but to show herself at the window and the siege was immediately raised. The Cid (short for *sayyid*), the national hero of Spain, fought first with, and later against, the Moors. In French the first full portrait of a knight is that of Roland, a commander in Charlemagne's expedition against the Moslems in Spain. *Chanson de Roland* and certain products of French troubadours, as well as of German minnesingers, show clearly the influence of oriental bards.

The Mameluke dynasty of Egypt (1250–1517), which dealt the final blow to the crusaders, was represented in the field of chivalry by Baybars (1260–1277), whose daring exploits and acts of generosity, like those of 'Antarah, are still recited throughout the Arabic speaking world. The *fāris*, who figures in *The Arabian Nights*, embodies the Mameluke ideals of a hero rather than the Abbassids, as ordinarily supposed.

The beginnings of European heraldry, a direct product and characteristic token of chivalry, can be traced also to the Arab world. The crusaders brought back with them in the twelfth century the germs of heraldic bearings. Saladin probably had the eagle for crest, ibn-Ṭūlūn (868–77) the lion and Barqūq (1382–98) the falcon. Baybars' lion can still be seen carved on the bridge he built across the Jordan. Most of the Mamelukes bore names of animals, the corresponding images of which they blazoned on their shields. On a Zangid coin struck in Sinjār (1190) we see the double headed eagle, a bird of Sumerian origin and later adopted in Europe and the United States. The eastern origin of heraldic terms may be illustrated by such words as "azure" (Arabic) and "gules" (probably Persian). Among the Moslems of the present day the crescent and star, the lion and the sun represent the sole surviving remnants of heraldry.

PHILIP K. HITTI

BUSHIDO. *See* FEUDALISM, section on JAPAN.

See: FEUDALISM; MANORIAL SYSTEM; CHRISTIANITY;

Religious Orders; Military Orders; Truce of God; Crusades; Islam; Jihad; Woman, Position in Society; Court, Royal; Etiquette; Conventions, Social; Honor: Service; Charity; Sports.

Consult: For European Chivalry: Batty, J., *The Spirit and Influence of Chivalry* (London 1890); Warre Cornish, F., *Chivalry* (3rd ed. London 1911); Digby, Kenelm, *The Broad Stone of Honour*, 4 vols. (rev. ed. London 1828–29); Gautier, E. T. L., *La chevalerie* (Paris 1884), tr. by H. Frith (London 1891); James, G. P. R., *History of Chivalry and the Crusades* (London 1830); Perrot, A. M., *Collection historique des ordres de chevalerie* (Paris 1820); *Chivalry: a Series of Studies*, ed. by E. Prestage (London 1928); Woodhouse, F. C., *Military Religious Orders* (London 1879); Flach, J., *Les origines de l'ancienne France*, 4 vols. (Paris 1884–1917) vol. ii.

For Arabic Chivalry: Wacyf Boutros Ghali, *La tradition chevaleresque des arabes* (Paris 1919); Usāmah ibn-Munqidh, *Kitāb al-I'tibār*, ed. by P. K. Hitti (Princeton 1930); *An Arab-Syrian Gentleman and Warrior in the Period of the Crusades*, tr. by P. K. Hitti (New York 1929); Lane-Poole, S., *A History of Egypt in the Middle Ages* (4th ed. London 1925); Muir, William, *The Mameluke or Slave Dynasty of Egypt, 1260–1517* (London 1896).

CHLEBORÁD, FRANTIŠEK LADISLAV (1839–1911), Czechoslovakian economist and pioneer in the cooperative movement. In 1867, following a trip to western Europe, Chleborád published a work on the Rochdale pioneers and in the following year was the leader in the founding of a producers' cooperative in Prague called the Beehive. As its first president he was largely responsible for its success, which in turn led to the establishment of a large number of cooperatives throughout Czechoslovakia. In 1872 these numbered almost five hundred. He also founded the Slavia in Prague, the first Czech mutual company for the insurance of workers against invalidity and old age. A too rapid growth, combined with lack of experience, brought about the complete failure of most of the cooperatives in the period following the economic crisis of 1873. Nevertheless, Chleborád's pioneer endeavors greatly influenced more permanent subsequent experiments in both consumers' and producers' cooperation. In his *Soustava národního hospodářstvi politického* (System of political economy, Prague 1869) Chleborád stressed the role of consumers' cooperation and described its organization. In 1884 he published *Boj o majetek* (Brunn; translated into German as *Der Kampf um den Besitz*, Vienna 1885), in which he analyzed the conflicts between the propertied and the propertyless and advocated protection by society of its weaker members. He passed the final years of his life in Russia as teacher and later as councilor in the office of the Ministry of Finance.

Emanuel Škatula

Consult: Škatula, Emanuel, "Vývoj družstevní myšlenky v českých zemích Období Chleboradova Oulu" (Development of cooperation in Czechoslovakia during the era of the Chleborád beehives) in *Dvacet let Ǔstředního svazu Československých Družstev, 1908–1928* (Prague 1928) p. 23–38.

CHOMIAKOV, ALEKSÉY. *See* Khomiakov, Aleksév.

CHRISTIAN LABOR UNIONS. The Christian labor union movement represents an attempt on the part of Roman Catholic leaders to counterbalance the socialistic tendencies of the general or "free" labor union movement of Europe. With the exception of a small French-Canadian group and a few sporadic units in Mexico, Chile and Argentina, it is confined in the main to continental Europe, with over half of its membership centered in Germany, particularly in the Catholic provinces of the west, the Rhineland and Westphalia.

The beginnings of the movement date back to the eighties of the last century when a few Christian labor unions were founded, mostly in Germany by priests who were under the influence of the awakening of the "social conscience" among advanced Catholic thinkers. Its principles did not acquire unity, however, until after the publication in 1891 of the encyclical *Rerum novarum* of Pope Leo xiii.

There is as a general rule no essential difference within a given country between the structure, functional technique and short run industrial tactics of the Christian labor unions and those of the general labor movement; regulations and policies as to strike and other benefits are generally the same. In a few of the smaller countries, however, especially those of the Latin type, some of the organizations have a less militant and more benevolent character.

The relation to employers is practically the same in both types of labor unions. Frequent attempts on the part of church leaders to organize employers on "Christian" lines, and thus incidentally to refute the charge brought against them by the socialists of splitting only the workers' front, have been rendered unsuccessful by the preference of Catholic employers for remaining in the general employers' organizations.

As the primary justification for a separate organization Christian labor unions have emphasized their distinctive program of deriving all demands ultimately from religious principles, and argue that joint organization with non-believers endangers the faith of Christian workers. The principles to which they adhere are those of the encyclical *Rerum novarum*: emphasis upon individual human personality but rejection of the economic liberalism of the capitalist regime, which, they hold, sacrifices the welfare of the workers to the profits of the few; belief in the necessity of social classes but denial of the Marxian conclusion that their existence entails class struggle; insistence that labor unionism should be non-socialistic; and a declaration of the universal need for association and for harmonizing divergent interests according to Christian ethics. Applied to industrial relations this doctrine has meant recognition of equal rights of capital and labor, organization of each and cooperation through such joint bodies as works councils and shop committees.

The growth of the movement was very slow until the first national unions were formed at the end of the century. The first attempt at international organization was the International Secretariat of Christian Trade Unions instituted in 1908 at the Congress of Zurich. The net result was slight. The World War checked further progress, disrupting the international bonds of the Christian unions even more than those of the general unions. The former Entente countries and the Central Powers held separate international gatherings until 1920, when the International Congress at The Hague created an International Federation of Christian Labor Unions. Congresses of the new organization were held at Innsbruck in 1922, at Lucerne in 1925 and at Munich in 1928. The post-war fluctuations of membership have been almost parallel to those of the labor movement generally—rapid growth until 1921, marked decline until around 1925 and since then a partial recovery.

In 1928, the International reported a total membership of 1,423,227 (as against 3,035,989 in 1922), divided as shown in the table. In Italy, which had over a million members in 1922, the movement has been suppressed by the Fascists.

The seat of the International is at Utrecht, Holland, the secretary being P. J. S. Serrarens, a former teacher in the Holland schools. Its organization is rather loose and its chief business is the exchange of information and the preparation of congresses.

On the whole, membership of the constituent unions in the International Federation of Christian Labor Unions is confined to Roman Catholics. There are two types of exceptions, however, which justify the more general denomination "Christian": in Holland and Switzerland there are separate Protestant unions as well as Catholic unions; while in Germany the Christian labor unions are open to Protestants. The practical purpose of the mixed unions in Germany was, in its origin, mainly to hamper encroachments from the Roman Catholic church authorities on the conduct of union affairs, and incidentally to facilitate relations with employers of both creeds. Christian labor union doctrine justified the combination on the ground of common opposition by both ecclesiastical groups to socialism and the validity of Christian ethical principles, whether Catholic or Protestant, as applied to social problems. Although no statis-

Christian Labor Unions, 1928

Country	Name of Organization	Membership
Germany	Gesamtverband der Christlichen Gewerkschaften Deutschlands	720,059
Austria	Zentralkommission der Christlichen Gewerkschaften Oesterreichs	76,000
Belgium	Confédération des Syndicats Chrétiens de Belgique	155,079
Spain	Confederación Nacional de Sindicatos Católicos de Obreros	40,000
France	Confédération Française des Travailleurs Chrétiens	101,565
Hungary	Keresztényszocialista Orszagos Szakszervezetek Központja	52,110
Yugoslavia	Jugoslovanska Strokovna Zveza	5,500
Luxemburg	Fédération des Syndicats Chrétiens de Luxemburg	1,300
Holland	Roomsch-Katholiek Werkliedenverbond in Nederland	124,850
	Christelijk Nationaal Vakverbond in Nederland	53,636
Czechoslovakia	Risska Ceskoslowanska Vseodborova Komise Krestanskosocialni	44,673
	Verband der Christlichen Gewerkschaften für das Gebiet des Tschecho-Slowakischen Staates	24,129
Switzerland	Christlichnationaler Gewerkschaftsbund der Schweiz	18,093
	Schweizerischer Verband Evangelischer Arbeiter und Angestellter	6,233

tics are available it is generally agreed that the Protestant membership in German mixed unions represents no more than a sprinkling; while the special Protestant unions in Holland and Switzerland claim an aggregate membership of only 60,000.

In Germany, although there is no formal link between the unions and the church, priests and Catholic intellectuals individually play a large part in the movement as writers, lecturers, teachers, etc. Moreover, there is a dependence based chiefly on the spiritual power of the church authorities over the individual members and a bond arising from community of creed. There is in addition a formal connection between the unions and certain Catholic organizations under direct church authority, such as the Katholische Arbeitervereine and the Verband der Katholischen Jugend- und Jungmännervereine Deutschlands. Repeated friction between the Arbeitervereine and the labor unions eventually led to the formation of a joint committee (with representatives also from the youth organization), the purpose of which is to eliminate overlapping activities and to cooperate in propaganda by meetings, literature, lecture courses, etc.

In Holland the Catholic unions officially recognize as spiritual advisers priests who are appointed by the bishops to control union activities, to watch over "the purity of faith and morals" of members and to report to ecclesiastical authorities on all disobedience. In Belgium the bishops for a similar purpose delegate a committee of six diocesan directors. In the Latin countries priests, monks and other persons affiliated with ecclesiastic bodies play an essential part in the conduct of union affairs, but church supervision is local and personal rather than central.

The relations of Christian labor unions with political parties representing the views of the Catholic church are, on the whole, similar to the relations of the free labor unions with the parties affiliated with the Labour and Socialist International at Zurich. In Germany the principles regulating the attitude of the Christian labor unions toward the Catholic Center party are almost exactly the same as those which regulate the relations between the free unions and the Social Democratic party: mutual independence and autonomy but personal union; support given to the party at elections; organized joint action on special issues; and mutual recognition of the party as the political representation, and of the unions as the industrial representation, of a common outlook. The chief leaders of the Christian labor unions often represent the Catholic Center party in the various parliamentary bodies. In 1930 the general president of the Gesamtverband der Christlichen Gewerkschaften Deutschlands, Herr Stegerwald, was a cabinet minister in the Socialist-Catholic-Liberal coalition government of the German Republic. In contrast, however, to the harmonious role of the "free" labor unions in the homogeneous class organization of the Social Democrats, Christian labor unionists, who form the left wing of the Catholic Center party, often clash with the large middle class and capitalist groups which constitute the bulk of the party. In Austria the Christian labor unions similarly support the Catholic Christian Social party, which in practise is the most conservative. In Holland the Catholic and the Protestant unions support their respective parties, both of which are chiefly conservative. In other countries Christian labor unions are of small account politically. Needless to say, the support thus given to parties so closely associated with capitalistic interests and identified with a long historical tradition of bitter opposition to labor demands (the right to organize and strike, legalized collective bargaining, the abolition of class suffrage, disarmament and internationalism) is one of the chief arguments used by the "free" unions against the Christian unions.

Originally there was nothing but fierce hostility between the two types of unions. The power of the Christian labor unions, too small for effective pressure on the employers, was yet sufficient to weaken the workers' position by disrupting their unity. The bona fide character of the Christian labor unions was denied by the "free" unions, who charged them with being tools in the hands of the capitalists. In the prewar period, almost any strike involving Christian labor unions led to such charges as blacklegging and being in the pay of the employers, although these extreme accusations could be substantiated only in a few local instances. The tone of the Christian labor union propaganda against the general unions was equally aggressive.

Since the war in Germany, and to a somewhat smaller extent in the neighboring Teutonic countries, hostility has become much less acute. In fact cooperation, tacit or even openly organized, on all concrete immediate issues, is the general rule. Proportional representation according to membership regulates joint activities in the innumerable bodies set up by labor legislation or collective bargaining, such as shop councils, tariff committees, economic councils, social insurance bodies and even the conference and the economic council of the International Labour Office. Parliamentary lobbying is also often undertaken jointly. In most strikes and other wage movements of the last decade there has been organized cooperation in all the stages from the formulation of demands to the final settlement of disputes. This improved condition is due to many causes. Christian labor unions found that they could retain their membership only by defending the workers' interests as energetically as did the other unions—a situation which has caused many employers to complain that the Christian unions have become "at least as bad" as the socialists. Community of interests has enforced the same attitude with regard to all practical questions; the growing recognition of the unions by employers and the state has enormously extended the field of actual immediate responsibility on practical issues and accordingly narrowed the field of doctrinaire controversy on metaphysical problems, disagreement being limited to ultimate aims and doctrinal principles. Owing to the increased strength, responsibility and experience of the general unions, their post-war practise has become much more moderate, retaining little of the Marxian ideology which the Christian labor unions abhor. There has been since the war a decided turn to the left on the part of the political parties with which the Christian labor unions are associated; the German Catholic Center party for instance has during most of the time since 1918 been a parliamentary ally of the Social Democrats. Controversy between spokesmen of the two movements has accordingly become much more courteous and tolerant. Increasing homage is being paid on both sides to the "ideal principle of united unionism"; the Christian labor unions contend merely that this cannot be realized as long as the general unions fail to emancipate themselves still further from Marxian philosophy, while the general unions retort that they have no purpose other than to organize for the improvement of their condition all workers regardless of creed, and that therefore there is no bona fide reason for the separate organization of a Catholic minority.

In the meantime, while many of the leaders of the Christian labor unions admit that the decrease of ideological differences between both movements jeopardizes the existence of the Christian labor unions' position, it has been stated by some of the socialist union leaders that their movement for industrial democracy must proceed on a more solid psychological and ethical foundation than that of the Marxian class struggle theory and that in this respect there is much to be learned from Christian doctrines.

HENRY DE MAN

See: LABOR MOVEMENT; TRADE UNIONS; CATHOLIC PARTIES; CHRISTIAN SOCIALISM; SOCIAL CHRISTIANITY; RELIGIOUS INSTITUTIONS.

Consult: Lorwin, Lewis L., *Labor and Internationalism* (New York 1929) ch. xxiii; Arendt, Joseph, *La nature, l'organisation et le programme des syndicats ouvriers chrétiens* (Brussels 1926); Cassau, Jeannette, *Die Arbeitergewerkschaften: eine Einführung* (Halberstadt 1927) p. 30–40; Erdmann, August, *Die christliche Arbeiterbewegung in Deutschland* (2nd ed. Stuttgart 1909); Müller, Otto, *Die christliche Gewerkschaftsbewegung Deutschlands* (Karlsruhe 1905); Gasteiger, Michael, *Die christliche Arbeiterbewegung in Süddeutschland* (Munich 1908); Confédération Internationale des Syndicats Chrétiens, *Compte rendu* of the 2nd and 3rd congresses (Utrecht 1922 and 1926), *Rapports et conclusions* of the 4th congress (Utrecht 1928), *L'internationale syndicale chrétienne pendant les années 1922–1925* (Utrecht 1926), and *L'oeuvre de l'internationale syndicale chrétienne, 1925–1928* (Utrecht 1929).

CHRISTIAN SCIENCE. The Christian Science church is in reality a phase of a more general social movement which had its origin in the attempts to fuse two comparatively independent modern tendencies: the successful practise of, and increasing interest in, mental therapeutics; and theological liberalism based on antimaterialistic philosophies. Both these tendencies came to a sensational climax during the third quarter of the nineteenth century, and found their most significant social expressions in New England. In the rural regions mesmerism was prevalent and in the cities transcendentalism. When these two currents met they produced a new religious movement based on spiritual healing and antimaterialistic theology, which are dominant characteristics not only of Christian Science but of the kindred religious movements of New Thought, Spiritualism, Unity, Jewish Science, and to a certain extent of Vedanta, Theosophy and the Emmanuel movement.

The term "Christian Science" was first used casually by P. P. Quimby, a doctor and mesmerist in Portland, Maine. One of his most enthusiastic students and patients, Mary Baker Glover Patterson, later known as Mary Baker Eddy (*q.v.*), helped him systematize his ideas and after his death continued to champion and develop them. The date usually given for her discovery of Christian Science is 1866, when she felt herself divinely restored after a severe fall on the ice. Thenceforth she worked assiduously on the so-called Quimby manuscripts until in 1875 she published the first edition of her famous *Science and Health*, to which she later added a *Key to the Scriptures*. After years of discouraging experimentation as author and teacher she made two moves which eventually transformed her individual practise into a world wide religion. In 1879 she organized her students at Lynn, Massachusetts, into the first "Church of Christ (Scientist)"; and three years later, in Boston, she established in addition to a church the Massachusetts Metaphysical College. From the latter institution practitioners were sent into all parts of the country, equipped with the Christian Science degree authorizing them to practise healing and to teach the "divine metaphysics." These disciples soon brought undreamed wealth and power to Mrs. Eddy and fame to her book.

The initial impetus of the Christian Science movement is accounted for not so much by Mrs. Eddy's personal accomplishments as teacher (certainly not as healer), nor even by the local prestige of her group in Boston, but rather by the practical successes of the pioneer practitioners in the Middle West. In almost all cases these were women, and achieved their most significant results among middle class women in the larger cities. Hundreds of testimonials of remarkable cures were forwarded to the leaders in Boston and published in the *Christian Science Journal* for the benefit of its widening circle of readers. In addition to the Sunday reading services midweek testimonial gatherings were organized and proved another source of enthusiasm for the practical results achieved.

The movement spread rapidly not only in the United States but in the British Empire, notably in the dominions, and in Germany. Its most remarkable recent advances have been made in California and Florida. With only a few significant exceptions the movement has found its stronghold in those classes and social groups where neurasthenic disorders are prevalent and where the accompanying intellectual environment is characterized by metaphysical speculations and pseudo-scientific theologies. Christian Science has a double appeal, its practical success as a therapeutic cult and its simple yet "scientific" theology. Although in its denial of the reality of both matter and individual "mortal" mind it bears a superficial resemblance to absolute idealism, it is much closer in theory to the Hindu philosophies of disillusionment. There is little evidence that it has been directly influenced to any great extent either by modern philosophical idealism or by modern science. Its chief intellectual concern has been the exposition and reinterpretation of the Bible. Its theology is based on the idea of the "Father-Mother" God, the only reality, as impersonal, universal, infinite Principle, Mind or Good. Endowed with perfect love He manifests His spiritual power against the world of error, illusion or "mortal belief" by conquering sin, disease and death: both through Christ, who "demonstrated" man's "at-one-ment" with God, and through *Science and Health*, His modern revealed word.

At first the movement was attacked by the defenders of the more conventional Christian theology and, more seriously, by the medical profession. In almost every state attempts were made to prevent the professional practitioners from healing, by making a medical degree legally necessary for any kind of healing. The first attempts of this sort were made during the nineties (e.g. in New York, Massachusetts, Michigan, Oregon), while in England a similar move was made in 1906. But practically all of them failed, since the courts conceded the right of an individual to resort to any kind of healing he wished, and in the United States refused to interpret this issue as falling under the police power of the state.

More recently, various factors have contributed to greater tolerance. In the first place, Christian Scientists have adopted more reasonable tactics and the movement as a whole has been raised to a higher intellectual level. The physical fear of "malicious animal magnetism" which dominated so much of Mrs. Eddy's later career, and kindred ideas taken over from the mesmeristic background, have lost most of their force and have been assimilated to the metaphysics of "mortal mind." In 1901 Mrs. Eddy permitted her students to be vaccinated and enjoined them to obey all quarantine laws and not to treat contagious diseases. Since 1902, when she abandoned "metaphysical" obstetrics, there has been a general tendency among Christian Science practitioners to refuse surgical cases. A second factor is the great progress made in recent years by the science of psycho-therapeutics and its admission of many results of mental treatment which were formerly regarded as incredible or miraculous. At the same time, however, the practical vindication of mental healing by medical science has tended to undermine the theoretical interpretation of "spiritual or divine" healing required by Christian Science theology. A third factor is that other religious denominations, warned by the success of Christian Science, have given official encouragement to faith healing, prayer healing and other traditional practises which had fallen into disfavor under the reign of mechanistic psychology and metaphysics. Finally, the spread of other cults, especially of oriental, non-Christian ideas, has brought many new rivals and more sophisticated traditions into the field which formerly demanded an avowedly Christian theology.

Although healing has been the distinguishing characteristic of its practise, Christian Science has expended much energy also upon combating the more subtle manifestations of "error." It has sought to banish fear in its many forms and has preached optimism in the face of disasters, wars, depressions, poverty and social evils. As a result it has practically never engaged in movements of reform, in "social gospels" nor in the usual forms of philanthropy and church benevolence, except in the negative sense of denying the reality of evils. The most significant deviation from this policy was the Christian Science war work, which supported among the soldiers about two hundred "workers" and over a hundred "welfare rooms" and served not merely to distribute Christian Science literature but also to provide physical and mental comforts for the soldiers. Another deviation was the giving of considerable sums in recent years to sufferers from floods and earthquakes. As a church Christian Science has no political or social platform except in so far as it explicitly demands obedience to law, honesty in business and, in general, "the sweet amenities of Love, in rebuking sin, in true brotherliness, charitableness and forgiveness." The interest which many Christian Scientists display both personally and collectively in material comforts is explained on the ground that these external symbols, in a world of illusion, demonstrate, as well as stimulate, their love for harmony and beauty in that real world of infinite intelligence or love which constitutes the Divine Mind.

The highly centralized administration of the church is a masterpiece of Mrs. Eddy's genius. All who wish to practise or teach Christian Science must be members of the Mother Church. This is governed by a Board of Directors; the original directors, five practical men of affairs, were appointed by Mrs. Eddy and given the authority to choose their successors. The Board of Directors must govern the church according to the by-laws laid down by Mrs. Eddy in the *Church Manual*. It exercises absolute control over the membership of the Mother Church and final jurisdiction over the local membership and government of each of the various branch churches. According to the United States census of 1926 the Mother Church had 149,957 members, of whom 87,940 belonged also to branch churches; while the membership of the 1913 branch churches was 140,081, of whom 52,141 were not affiliated with the Mother Church. Out of the total membership of 202,098 about 9000 are authorized practitioners or nurses. More recent (1930) figures, published in the *Christian Science Journal*, give the number of Christian Science churches in the world as about 2400, of which about 2000 are in the United States and 200 in Great Britain. The male membership constitutes 32.5 percent of the total, and the urban about 94 percent. The *Christian Science Monitor*, a non-partisan daily newspaper published by the church, has a circulation of about 135,000. The most important of the other church agencies are: the Christian Science Publishing Society, governed by a separate Board of Trustees but in reality controlled by the Board of Directors; the Publication Committee, which conducts a vigorous campaign against "obnoxious books"; the Board of Education, which examines teachers, awards their degrees and gives free public lectures (about 3500 annually); the Benevolent Association, which conducts two "sanatoriums," one at Chestnut Hill, Massachusetts, and one in San Francisco; and Sunday Schools and reading rooms, which are found in almost every Christian Science society or church.

On the whole, the Board of Directors has maintained its power very shrewdly. Several law suits have tested its powers, especially with respect to the trustees of the Publication Society and over the trust fund trustees named in Mrs. Eddy's will. Several women have aspired to be Mrs. Eddy's successors but the Board of Directors has succeeded in asserting its complete authority over them. Only two movements have proved menacing. Mrs. Augusta Stetson, a devoted disciple of Mrs. Eddy, established a strong Christian Science organization in New York, which by threatening to eclipse the Mother Church in Boston aroused the jealousy of its founder. By exalting Mrs. Eddy as "Mother Mary" to equality with Christ, a move which Mrs. Eddy herself publicly repudiated, and by exploiting her personal prestige as an intimate of Mrs. Eddy, Mrs. Stetson incurred the hostility of the Board of Directors as well as of Mrs. Eddy and was excommunicated in 1909. But she had an influential and loyal following in New York, which continued to proclaim her doctrines, such as the spiritual conquest over birth and death and the purely spiritual government of the church. After her death in 1928 her followers asserted their confidence in her, as well as Mrs. Eddy's, imminent reappearance and immortality demonstration.

A second serious dissension began in the Third Church of London, where Mrs. Annie C. Bill resigned after she had come under the influence of Frederick L. Rawson's doctrines. Appealing to the *Manual* and defying the authority of the Board of Directors after Mrs. Eddy's death, she insisted on a single successor to Mrs. Eddy and organized a "Central Assembly" with herself as "pastor emeritus." She was sued for adopting the "authorized" titles of the Mother Church, and after losing her case in the courts with a few followers she changed the organization to the Parent Church of the New Scientific Generation. In 1924 John V. Dittemore, who was one of the original five directors of the Mother Church and who had been ousted by his fellow directors, joined the movement and carried a considerable personal following with him. American headquarters were established at Washington, D. C., and the name was changed to the Christian Science Parent Church, The Church of the Transforming Covenant. In 1930 all connection with Christian Science was abandoned and the name was changed to The Church of the Universal Design. There are now about 80 branches and 1200 members in this church. In doctrine the Parent Church is distinctive in emphasizing a spiritualized version of evolution, in sponsoring the Anglo-Israel doctrine and in preaching medical cooperation. Although it is small numerically it is significant as another evidence of the difficulties encountered by the Board of Directors in keeping the church under its control.

Herbert W. Schneider

See: Religion; Christianity; Spiritualism; Transcendentalism; Church; Sects; Cults; Healing.

Consult: The works of Mary Baker Eddy, *Science and Health, with a Key to the Scriptures*, and *Church Manual*, available in numerous editions; the files of the *Christian Science Journal*; First Church of Christ, Scientist, Boston, War Relief Committee, *Christian Science War Time Activities* (Boston 1922); United States, Bureau of the Census, *Religious Bodies: 1926*, 2 vols. (Washington 1929–30) vol. ii, p. 348–57; Wilbur, Sibyl, *The Life of Mary Baker Eddy* (5th ed. Boston 1923). See also such critical works as Riley, I. W., Peabody, F. W., and Humiston, C. E., *The Faith, the Falsity and the Failure of Christian Science* (New York 1925); Dakin, E. F., *Mrs. Eddy* (New York 1929), containing a bibliography; Milmine, Georgine, *The Life of Mary Baker G. Eddy and the History of Christian Science* (New York 1909).

CHRISTIAN SOCIALISM

Great Britain. Christian Socialism was the phrase chosen by a small band of clerical and lay members of the Church of England in the middle of the nineteenth century to express their deep conviction that the economic development and the social relations of the community could prove satisfactory only if they were consciously brought into obedience to the spirit of Christ and His purpose for mankind. They found the church, to which they were passionately attached, accepting and even commending the views of philosophers, politicians and economists whose knowledge of public questions it reckoned superior to its own. Those views justified, on grounds claiming to be scientific, the abandonment of the vastly expanding industrial system to the virtually unregulated dominion of the profit seeker, the glorification of competition regardless of its effects and the discouragement of all efforts at combination among the laboring classes, either to alleviate the conditions of their employment or to seek a livelihood outside the wage system. The Christian Socialists challenged both the validity of this teaching and the right of the church to identify itself therewith. The resistance of the masses to the workings of the industrial system was, they claimed, not merely justifiable but actually animated by contrasting ideals of cooperation and service which were in harmony with the spirit of Christianity. The Christian Socialists banded themselves together therefore to proclaim the supremacy of Christian values over purely secular considerations, to expound the traditions and implications of Christianity in this light, to enlist the sympathy of the public for the efforts made by the workers to improve their conditions and transform their status, and to initiate practical experiments in working class education and cooperation of every kind.

The Christian Socialists "owed their inspiration to Carlyle and their opportunity to the

Chartists," says Canon Raven in his authoritative history of the movement. The socialism which was crystallizing into a scientific form in the *Communist Manifesto* of Marx and Engels, though much of it had been formulated in England, influenced them scarcely at all. Some had been affected by the protests of Southey and Coleridge against the laissez faire doctrines of the Manchester school and the utilitarianism of Bentham, others by the French experiments in industrial cooperation which grew out of the writings of the Fourierists. This latter influence was conspicuous in the case of the young barrister John Malcolm Ludlow who was the true founder of the movement. Educated in Paris he returned there to witness the development of affairs after the Revolution of 1848, and wrote his reflections thereon in a letter to his friend Frederick Denison Maurice; this letter, Maurice testified, exercised "a very powerful effect" upon his thoughts, and led to a series of talks between the two in which were developed the main ideas that formed the foundation of Christian Socialism.

There broke in upon these colloquies a new social situation and a dynamic personality. News of the Monster Petition meeting organized by the Chartists for April 10, 1848, brought Charles Kingsley to London. And in the company of Ludlow he witnessed the fiasco in which the meeting issued. To both men the situation presented itself as a challenge and an opportunity for the church. That for which the workers were groping unsuccessfully, religion must come forward to supply. They sat up through the night drafting placards which were posted up next day upon the walls of London, proclaiming to the "Workmen of England" that "the Almighty God, and Jesus Christ, the poor Man who died for poor men, will bring freedom for you, though all the Mammonites on earth were against you."

Christian Socialism thus emerged with a significant gesture on the morrow of a democratic defeat. It began its work as a propagandist force through periodicals (*Politics for the People* in 1848 and the later *Journal of Association*, 1852–54), pamphlets (notably *Tracts on Christian Socialism* in 1850) and novels (Kingsley's *Alton Locke*, 1850, and *Yeast*, 1851). It entered the field of practical experiment as the "Council for Promoting Working Men's Associations" in 1850; it achieved an important legal reform in the Industrial and Provident Societies Act of 1852; and set the coping stone on that education of the workers which it had undertaken from the first by the foundation of the Working Men's College in 1854. The work of these six years was carried through by a group of men, mostly laymen from the professional classes, who faced with wonderful confidence and perseverance the ridicule of the respectable and the suspicion of the workers in whose cause they sacrificed their time and sometimes, as in the case of E. V. Neale, their fortune. Their loyalty to their leader Maurice remained unshaken. His leadership was founded, indeed, on a real spiritual genius, distilling its influence most characteristically through the group's weekly Bible reading which was "the sacrament of their unity, the means whereby they received their inspiration."

The experiments in producers' cooperation into which the Christian Socialists put their principal expenditure of effort and funds ultimately failed. The dishonesty of a few, the insubordination of others, helped to wreck enterprises which were struggling with insufficient resources, moral and practical, in an atmosphere hostile to them. Nothing in the development of industrialism had prepared the workers for the task to which the associations called them. But to speak of Christian Socialism as a failure is to misconstrue the significance of the movement. Two things it conspicuously achieved: association of single minded men among the middle classes with the fate and the aspirations of the working class, a tradition carried on later by the positivists, the Fabians and the Guild Socialists, and the rescue of religion from the social apostasy and sycophancy into which it had sunk.

The "socialism" of Maurice and his group was neither collectivist in outlook nor bound up with any political theory of a revolutionary working class movement. When the challenge of Christianity to the dominant economic forces of the day was formulated afresh a quarter of a century later, while its note was distinctly more revolutionary than that struck by Maurice and his group, its independence of secular partisanships was equally unmistakable. This challenge proceeded from a new quarter—the Anglo-Catholic movement in the London slums. Stewart Headlam, while he readily acknowledged the inspiration of Maurice, founded in 1877 the Guild of Saint Matthew in Bethnal Green upon his own interpretation of Catholic theology and the social significance of the sacraments. He made explicit the Tractarian protest against plutocracy and materialism which, because it was delivered as part of an attack upon "liberalism," had generally been interpreted as merely reactionary. The Guild of Saint Matthew thus "achieved the impossible by being at once Puseyite and Maurician," but its ecclesiastical "extremism," its frank sympathy with the new unionism and socialism of the nineties and its audacious anti-Puritanism necessarily limited the scope of its appeal. A less dogmatic and more cautious group gathered round the great figures of Scott-Holland and Charles Gore in the Christian Social Union (founded 1889), devoting itself to the study of social problems in the light of Christian principles and to the advocacy of practical measures of reform. Parallel bodies began to form in the nonconformist communities under the name of Social Service Unions, and in 1910 these drew together in regular interdenominational conferences, evolving an outlook increasingly critical of the economic order. Included amongst these was the (Roman) Catholic Social Guild founded in 1909, a live body which derived its inspiration from the scholastic traditions in restraint of usury and economic injustice and from the encyclical *Rerum novarum* of Pope Leo XIII. Outside stood the Church Socialist League, formed in 1906 largely under Anglo-Catholic influences, carrying on a vigorous propaganda in avowed sympathy with, although independent of, the new widely expanding socialist movement. A smaller interdenominational Society of Socialist Christians replaced this in 1924.

The war, by calling attention in so many ways to new problems of conscience and to the defects of the social system and by dispersing the fog of "progressive" complacency and revealing a new consciousness of crisis, opened a fresh chapter in the history of the attitude of the churches to social issues. The feeling began to spread that secular civilization was at the end of its resources, that religion had, or must discover, something distinctive to say upon political and economic problems and that it must do more than merely approve or support policies evolved by others.

The influence of Christian Socialism has extended far beyond these groups, not only in England but in continental European countries and in the United States, to a movement which in its manifest activities and intellectual expression is most widely known as Social Christianity.

MAURICE B. RECKITT

UNITED STATES. Christian Socialism as a definite movement in the United States did not appear until the late eighties of the last century. The semi-utopian communities of the forties and fifties were, it is true, an American manifestation of those Fourieristic influences which had affected the first English Christian Socialist leaders. The founder of one of these communities, Adin Ballou, had in fact described his scheme as Practical Christian Socialism (Hopedale 1854). These early groups had attempted also to make some connections with the struggling labor movement of the period. It was not, however, until the industrial and social upheaval of the eighties and the establishment of the Knights of Labor that socially minded clergymen attempted to break down the barriers which had grown up between labor and the church under middle class influences.

The first expressions of this new social consciousness, in the writings of Josiah Strong and Washington Gladden, in the formation of the Christian Labor Union (1872) and of the more influential Church Association for the Advancement of the Interests of Labor (Cail) in 1887, were concerned more with bridging this chasm than with any thoroughgoing theory of social and economic transformation. The more radical approach was probably first taken by the Reverend W. D. P. Bliss, who had been a member of the Knights of Labor, who in 1889 formed the Society of Christian Socialists in Boston and who, thereafter, in his magazine, the *Dawn*, in pamphlets and in his country wide lecture tours attempted to spread the doctrine of Christian Socialism. This doctrine was largely that of the English movement. The Christian Social Union founded in 1891 was affiliated with the English Christian Social Union. In the nineties many small and obscure groups, denominational and interdenominational, sprang up. At the same time individual clergymen, like the Reverend George D. Herron, embarked on a series of activities which led to their eventual affiliation with the non-religious socialist movement. The interdenominational Christian Social Fellowship, formed in 1906, and the Church Socialist League (1911–19) not only formed the nucleus for later church groups but furnished many of the leaders for later liberal, labor and socialist organizations. The writings of Walter Rauschenbush, especially his *Christianity and the Social Crisis* (New York 1907), clarified and gave spiritual impetus to the American Christian Socialist attitude. By this time, however, the growing movement within the churches had become less definitely socialistic and was concerned primarily with the application of the social gospel to immediate industrial and social problems.

At the present time the movement for Social Christianity, as led by Harry F. Ward, Bishop Francis J. McConnell, John Haynes Holmes and others, shows the definite influence of the earlier protagonists of Christian Socialism.

Vida D. Scudder

See: Social Christianity; Socialism; Cooperation; Christian Labor Unions; Catholic Parties.

Consult: For Great Britain: Raven, C. E., *Christian Socialism 1848–1854* (London 1920); Brentano, L., *Die christlichsoziale Bewegung in England* (2nd ed. Leipsic 1883); Beer, M., *A History of British Socialism*, 2 vols. (London 1919–21) vol. ii, ch. ix; Woodworth, A. V., *Christian Socialism in England* (London 1903); Noel, Conrad, *Socialism in Church History* (London 1910); Gore, Charles, *Christ and Society* (London 1928); Headlam, Stewart D., *The Socialist's Church* (London 1907); *The Return of Christendom*, by a group of churchmen with introduction by Bishop Charles Gore (London 1922).

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CHRISTIAN SOCIALIST PARTY, AUSTRIA. *See* Parties, Political; Catholic Parties.

CHRISTIANITY. The primitive teaching of Christianity set before mankind the ideal of a life based simply and solely on the love of God and man. One love implied the other, for if a man loved not his brother, whom he had seen, how could he love God, whom he had not seen? And if he did not love and trust God as a father how could he understand that all men were God's sons and therefore his own brothers? How could he avoid occupying himself with the things of the world which set man against man? In Christian love, mankind became as one family in which the needs of any one are the concern of all, in which none is before or after the other, none is greater or less than another, and all are protected by a Father so omnipresent that not a sparrow falls to the ground unheeded by Him. Man, therefore, should not be anxious about the morrow, heaping up riches when he cannot tell who will gather them, but should meet the difficulties of the day, raising the ass or the ox from the pit even on the Sabbath, ministering to the needy and serving the Lord in cheerful contentment with his lot. Such a life may be achieved by every man in ordinary society, for it depends primarily on his own personal love and trust. Although there may be those who will injure and despitefully use him, he will reply to injury with beneficence, to evil with good. It was understood even by the Gentiles that they should love their friends; but the Christian loves his enemies as well and turns the other cheek to the smiter. He must not even vindicate his rights; if a man takes his cloak, he must let that man have his coat also, for the meek shall inherit the earth. He must assert not himself but his Christianity. No mortification of the flesh is enjoined for its own sake—marriage and the natural affections are assumed, and the sex teaching is simple and wholesome. It is only if the family tie obstructs a Christian call that it is wrong. When the call comes to any man he must leave all and follow it. Asceticism is no end in itself; but all desires of the body and all claims of personal love are swept aside if at any point they interfere with Christian duty.

While the Christian life is open to anyone, in any society, however full of oppression and wickedness, its natural fulfilment and perfect expression are in a brotherhood of the believers. This brotherhood will have no worldly aims. It will not seek to dominate either the world of nature or the world of man, although it will seek to draw all men into it by spreading the light. Its aim is to live by the law of love. The physical necessities of life it will secure by honest labor and by sharing all things in common, and even its apostles will work with their hands at tent making, or whatever it may be, so far as the first duties of the Christian mission allow them. Work is a duty; if a man does not work he shall not eat. On the other hand, there is to be no self-enrichment. It is hard for a rich man to enter the kingdom of heaven, and all that a man has, beyond his personal necessities, he should give to the poor, or rather bring into the common stock. At the same time, outside the community the laws of civil society and the authority of the rulers are accepted. To Caesar are to be rendered the things that are Caesar's. The powers that be are ordained of God. Christ's kingdom is not of this world.

Such communities sprang into being in many places during the apostolic age. Their simple communism was not, as in the monastery of a later age, a communism of production. The ordinary Christian had his employment in ordinary life, but he brought all his superfluities into the common stock. But though there was no collective organization of production, there soon came to be organization of church government, including the administration of the common funds. The communistic rule might be very strict, as the story of Ananias and Sapphira shows (for while the punishment might be justified on the ground of their deceit, the point of the tale is that no partial sacrifice of wealth avails). A more lenient view, however, goes back to very early times; and in any case this simple communism could hardly survive the growth of the Christian communities. Broadly speaking, communism as a system which, without excluding all personal possessions, makes the common wealth dominant, works well under one of three conditions. First, it operates in every well ordered family where, whatever personal possessions are recognized, the fundamentals of wealth are shared alike, and where in case of shortage the weak and helpless are served first. Secondly, it works well in very primitive communities where none has risen above the rest, all are concerned with day to day needs, all are born and bred in one tradition and in fact form a kind of enlarged family. Thirdly, it functions among men united by a common purpose—even a common need, as in the case of a shipwrecked crew—to which everything personal gives way; such a community was the early Christian church, and such were the best of the monastic brotherhoods. As long as the common dominates the personal, group communism holds its own. Under the first condition mentioned, the common dominates through the strongest natural affections. Under the second, personal initiative is hamstrung by the absence of opportunity for self-advancement. Under the third, even the strongest individuality may be held in restraint by the universal conviction of the common purpose; but as soon as the insincere and half converted come in the tie is dissolved. Communism, although preserved in the monastery, is for the laity reduced first to the duty of applying superfluities to the common need, and then to the obligations of charity. Finally the spirit of charity itself frequently perishes in its "organization."

In this connection, however, it must be acknowledged that obligations to the needy and a certain vaguely defined trusteeship in the possession of wealth have been continually maintained by Christianity in most if not in all of its forms, and that sociologically the institution of Christian ministers, lay officials and establishments for the relief of indigence and suffering are regular features of any Christian society. Exactly how Christianity compares in this respect with other religions, or with pagan or secular states, it would be difficult to say without an elaborate and difficult examination. Material beneficence is one of the oldest and most universal of the virtues. Islam and Judaism are notable for their insistence on works of mercy. Christendom is remarkable for the universality of its philanthropy, for the great variety of its efforts which have organized distinct forms of relief for so many different kinds of suffering and for the exceptional self-sacrifice of doctors, nurses and ministers of religion.

While simple communism was bound to melt away with the expansion of Christianity, the question of the relation of the church to civil society became increasingly important. From the first it was to recognize the powers that be, but at the same time "saving always the duties of a Christian" was an understood condition. How was it to comport itself in regard to the laws of the land when opposed to Christian duty or the Christian spirit? Confronted with a pagan government there were points on which the Christian clearly could not conform, and these came to the front in every persecution. And there were deeper issues by no means settled when Christianity became a state religion and the whole empire in name a Christian brotherhood. How were the law of the state and the law of love to be reconciled? The state recognized war, had courts for the redress of private wrongs and the punishment of criminals, used the oath —and in those days torture as well—in the legal procedure, guarded private property and allowed the indefinite accumulation of wealth together with its inheritance and bequest, sanctioned slavery and the sale of men, women and children, allowed the exposure of infants and recognized divorce. Some of these things were, as all would now admit, abuses; others, especially the institution of courts of law and the recognition of private property, appear integral to organized society. War society hopes to abolish, but so far military defense has appeared a necessity of state organization. What was Christian teaching to do in the matter? Nominally it had conquered the western world. What was the real relation to be? Was it to absorb the world or to be absorbed by the world as conquerors so often are by the conquered? Or was it after all to stand aloof from the world and establish a dual law—worldly and other-worldly—for mankind?

In order to understand the course of events we must first appreciate the Christian attitude as it came to define itself. Primarily the Christian life was inward. It was something that each could attain for himself and was independent of outward circumstances. Slave and emperor could be equal as Christians, just as they had been equal as stoics. Material possessions were indifferent, except indeed that their increase added to the difficulty of remaining a good Christian. It must in truth be added that even intellect was indifferent, for out of the mouths of babes and sucklings was ordained praise. Neither philosophy nor science, neither art nor literature, was essential. The Christian teaching might broaden its outlook, but as such it had no essential concern with the Hellenic conception of a many sided development of personality or with the modern ambition to read the secrets of the universe and to acquire thereby a control of the conditions of human life and development. Nor was it concerned with the humanitarian view that institutions and even moral laws involving great suffering to men and women must be wrong. The law of God was in essentials known and must be accepted come what might. Man was made for no other happiness here on earth but the happiness of accepting that law and of taking with contentment that lot which it would allow him. Thus it would be quite unhistorical to criticize the work of the churches as if they had meant to recreate society on the lines of modern humanitarianism. Modern Christians may, and many do, regard this humanitarianism as the natural development of Christ's teaching, but in the early formative days no such development was in sight. Christianity had primarily to maintain itself in a society which at first was hostile and, even after Constantine, contained all sorts and conditions of men—unbelievers, nominal Christians, Jews, infidels and, above all, heretics. The ideals of the simple brotherhood of all true Christians were inapplicable. The original teaching, as well as the wisdom of Christian leaders, recognized the state as a necessity. The problem as it appeared was to find some reconciliation on the points at which state law and Christian law were in definite conflict whether in letter or in spirit.

In form—and form affected substance—the solution was found in a slightly modified acceptance of the stoic conception of the *jus naturae* and the Golden Age. By nature, the stoics taught, man was free and equal and there had been a Golden Age in which man had actually so lived. From this state he had, however, fallen off, and the *jus gentium*—the legal principles common to all nations—recognized subjection and inequality, while the positive civil law of any particular state, and of course of the Roman Empire, imposed its own special obligations on its citizens. Where the civil law conflicted with natural law it was in principle void; but the stoics refrained from the effort to abolish it, primarily because they held that the wise man was superior to all institutions, since these were but external things, while he could always regulate his own conduct by the light of reason. But as jurists they did seek to bring the civil law as near to the law of nature as might be, short of revolution.

The Christian fathers took over these conceptions, adding an explanation that the falling away from the state of nature, or innocency, was due to sin and that the state was the divinely appointed remedy for sin. Nature was good, for it was what God made. Actual society was defective, for it was the outcome of man's sin. But law and the state were good, as it were at one remove, because they were God's appointed remedy for sin. Because of their origin they involved hardships, like slavery, and allowed things unfitted for a Christian brotherhood, like the accumulation of riches. But the true Christian was above or indifferent to circumstances. He might be loyal and trustworthy as a slave. He might use his riches for the glory of God or for the benefit of the poor. These considerations together governed the attitude of the church, and it was left to the enthusiasm of the sects of the future to strive after fuller Christian ethics. In the meantime state law was to be respected, with two exceptions: if it was in clear and literal conflict with Christian teaching, it was to be abolished; if it was contrary to the spirit, it was to be softened and amended.

Among the points of conflict slavery would seem to us perhaps the most definite. Yet neither stoicism nor the church sought its abolition, although its justice had been challenged by thinkers as early as the fourth century B.C. Here the doctrine of the indifference of circumstances was as fatal to the church as it had been to the stoics. Slaves must obey their masters, and masters must be kind and just to their slaves. The slavery of the later republic and early empire had been intolerably harsh and cruel, but for two centuries and more the stoic jurists had been at work upon it, and the worst features had been suppressed. Morally the stoics recognized the equality of slave and freeman and the church similarly maintained that slave and master as Christians stood on the same footing, and it accepted slaves, at least on emancipation, for the ministry. As to legal rights the canon law imposed its own penalties on maltreatment of slaves. What was most important was that the canon law gave sacramental sanction to slave marriages, which originally had no recognition in law. Some slight advances toward such recognition had indeed been made under the pagan empire, but it was by a law of Constantine that the separation of slave families was forbidden. The consent of the master was at first required to validate a marriage of slaves, but this condition was eventually abolished by Pope Hadrian IV. Marriages of slaves and free were allowed under Justinian. In the view of the church the consent of the parties was the sole prerequisite of marriage, and on the whole the church stood by its principle in relation to the slave and to later feudal rights. Yet the right of feudal superiors was long to survive, and even in the sixteenth century the Council of Trent found that it was too often the custom for secular lords to compel men and women to marry against their will, a practice which they anathematized on the grounds that it was *maxime nefarium matrimonii libertatem violare*.

These were the most important contributions to the rights of the slave made by the mediaeval church, which for its part did not hesitate to hold serfs and is indeed charged with more than average tenacity in keeping its own. Christianity did not abolish slavery. But there were two ways in which the church's action made for the gradual extinction of the institution. First, it opposed the enslavement of fellow Christians, whether as war captives or through the slave trade. For example, the traffic in slaves which went through Bristol to Ireland was suppressed in the eleventh century by Wulfstan, bishop of Worcester, and although by a regrettable inconsistency the church allowed a man to "commend" himself, his wife and children to an abbey, its influence helped to secure the limitation of debt slavery to the period necessary for redeeming the debt. These limitations went a long way in reducing the supply of slaves. Secondly, the church always encouraged emancipation as a deed of charity. It is clear, therefore, that the influence of the church must be reckoned as an important factor in the extinction of the slave class, which, so far as true chattel slaves are concerned, was nearly complete in western Europe by the end of the twelfth century.

The enslavement of non-Christians was another matter. All through the Middle Ages a regular trade in slaves was maintained by the Genoese and Venetian merchants in the Levant. To deal in Christians was prohibited, but did adherents of the Greek church count as Christians? Authority was inclined to wink when in practise the negative view obtained. In any case, there is evidence that there were slaves in considerable numbers in Genoa and Venice (where in 1368 they were numerous enough to constitute a public danger); and although they were rarer inland, there were 339 sales of slaves (mostly female) in Florence between 1366 and 1397. The matter became much more serious when explorers began to open out new worlds, where backward peoples were at the mercy of European arms and organization. To the church the prospect of converting the natives was held out as a bait, and this hope was the explicit ground of the bull by which Pope Nicholas V in 1454 sanctioned the importation of Negro slaves into Portugal. In full consistency with principle the enslavement of Negro neophytes was condemned by Pope Pius II in 1462. Yet presently doubts arose on the whole question. Columbus' despatch to Spain of five hundred Indians as slaves was the occasion of a juristic dispute, and the Indians were eventually sent back by Queen Isabella. When the Negro traffic to America began, the popes, it is but fair to say, made successive efforts to check it. Although no one stopped Sir John Hawkins, who first brought Negro slaves to North America and believed that he was acting as a good Christian, it was a Christian sect, the Quakers, that led the protest against this second and very detestable slavery. Churchmen, Methodists and rationalists cooperated in the eighteenth century movement for the suppression of the slave trade and in the nineteenth century extension of the struggle to the suppression of slavery. It would be unreasonable to attribute the success to the Christian elements alone. It was perhaps the first, but by no means the last, case of cooperation between an enlarged and enlightened Christian conscience and the secular humanitarianism which was beginning to inform ethics and law.

It must be added that the struggle for elementary rights for the weaker peoples is by no means over, that forced labor may come perilously near to slavery, that social exclusiveness and the closing of avenues to skilled employment may make the Christian native an outcast, and that in this struggle the Christian missionaries are the force on which we have now mainly to rely for the education of public opinion on this important and dangerous aspect of the "expansion of Europe."

Warfare stood in even sharper contrast to Christian teaching than slavery, and it was in this conflict that the failure of the church was most conspicuous. The early Christians held military service unlawful, but in spite of many prominent supporters the rule was soon relaxed, and a full blooded defense of "just wars," i.e. wars for the redress of wrongs or for self-defense, was but feebly qualified by censure of malice, cruelty, vengeance and the lust of dominion. Ambrose—although he could compel a king to do penance for a massacre—denounced the principle of non-resistance and declared that he who refused to defend a friend was as bad as the aggressor. In the Canon de Treuga the church made an effort to mitigate private wars, but throughout history the churches have given moral support to official wars. It was left to the sects that went back to primitive teaching—the Anabaptists and above all the Quakers—to lead an opposition to war as such and to wrestle as best they might with the resulting problem of internal security.

The methods of war were indeed so far alleviated that the killing of non-combatants, the enslavement of Christians and the refusal of quarter were forbidden, although in justifying ransom the canon law, as stated by Gratian, seems still to imply that in principle the life of the conquered is forfeit. Unfortunately these prohibitions were difficult to enforce, and the wars of Christendom hold their own for horror when matched with those of the heathen, the wars of religion being perhaps the worst of all. Possibly the best defense of Christianity is that the secular spirit, working since the days of Grotius through international law, has as yet little to show, and in the World War even the distinction between combatant and non-combatant began to crack. The *via media* between the piety of non-resistance and the crude realities of oppression and aggression has not been discovered for nineteen centuries.

What now of the element of force within the life of the state—the enforcement of law, the procedure of courts and the punishment of crime? As a persecuted sect the Christian church had its own legal system, resting on penance and excommunication. As an official religion it at once recognized the lawfulness of public justice. Retaliation by the individual is wrong, but retaliatory punishment may be lawfully inflicted by the judge. For he gives not evil for evil, but justice for injustice, which, says Augustine, is good for evil. An ingenious turn, although not as honest as Confucius' denial that justice to the offender can be reconciled with Lao Tzu's doctrine of good for evil. But consistent or not, this decision of the church was socially necessary. When, however, we find excuse offered for the faithful who ex officio either exercised torture or passed a capital sentence, we are on different ground. The church did not in fact use its opportunity for abolishing the use of torture, which disgraced the Roman law. About capital punishment it certainly had its doubts. It became the rule that ecclesiastics could not enforce it, and clerks omit the words in the sentence, leaving the criminal "in mercy." There was even in the Middle Ages, particularly in the tenth and eleventh centuries, a definite revulsion against capital punishment, and it was, for example, actually abolished in England by William the Conqueror. The substitutes of blinding and castration were even worse than the original, however, and by the thirteenth century, without legislation, death resumed its place as the penalty for felony. Centuries earlier the whole system of Roman law had crumbled in the West under the barbarian invasions, which had reintroduced the feud, and in the courts the oaths of purgation and the ordeal. The church did its best to resist this rebarbarization, but had eventually to make terms with it. Not without controversy it gave its sanction to the ordeal; and Charlemagne ordered all men to believe the judgment of God without any doubt. In the meantime, however, the church was feeling its way back to rational justice through the courts of inquest into morals held by the bishops. They were ably seconded by the growing power of the king's court. And while both bishop's and king's courts at first allowed the oath of purgation or the ordeal by combat or by magical procedure, these methods were suppressed under Innocent III, and ordeals in particular were condemned by the Lateran Council of 1215. It took time to consolidate the victory. The ordeal by combat, forbidden in France by Saint Louis in 1260, lingered in England through the thirteenth century, when champions for hire still offered themselves; and some remnants of the old law still survived in the early nineteenth century.

On the whole, however, the principle of impartial justice, based on evidence and supervising public safety, prevailed, and the church certainly played its part along with the state in securing this first principle of modern civilization. On the other hand such methods of barbarism as the use of torture in procedure and extreme severity of punishment survived; the latter tended rather to increase than to diminish, and with the exception of the temporary check on capital punishment does not seem to have been combated by the official churches, which indeed in their own dealings with their special enemies, the heretics, only led the way. The penal law of Europe was a disgrace against which there was no serious complaint until a protest was led by the Quakers and supported alike by the utilitarians and the Evangelicals in the eighteenth and nineteenth centuries. Here again "primitive" Christianity and ethical rationalism found themselves at one.

The primitive theory of communism continued to the Middle Ages as one of those principles of natural law which, owing to sin, had been set aside by civil law. Aquinas, however, does not allow that there is any true contradiction, but considers that natural law simply neglected to make any division and that the omission was supplied by civil law, and rightly, in his view, since private property tends to the avoidance of quarrels and to efficiency in production and administration. Aquinas in this connection is closer even than elsewhere to Aristotle, in whose antithesis—"private acquisition, common use"—he finds the solution. The Christian must use his property for the common benefit and, what is remarkable, in case of necessity the "natural law" of communism revives. To supply the actual and urgent necessaries of life—e.g. to meet imminent danger—whether for self or for another, it is no crime to take another man's superfluities, whether openly or secretly. One may regard the Poor Rate (after all a compulsory levy on those who have for the benefit of those who have not) as a regularization of this principle, which otherwise might seem to smack rather of Robin Hood than of Augustine, and certainly goes far beyond the common exhortations to charity. At the same time, in returning to Aristotle Aquinas was preparing the way for the coming industrialism. For the appeal to production and efficiency is distinctly secular in spirit, while the vindication of private ownership departs not only from communistic idealism but from the feudal order, in which the most important property was held on a basis of definite obligations in respect of it.

The methods of acquiring property were always a matter of concern to Christian ethics to the extent that they involved any form of exchange in which one man might get the better of another. To Christian ethics this was the sin of covetousness, and it was the universal opinion in the church that in buying and selling a man should ask and give the just price, and that in seeking payment he should demand what was necessary to support him rather than the most that he could get. Above all, lending should be a friendly act and should not be an occasion for usury, which always appeared to the legists, and particularly to the schoolmen under the influence of Aristotle, as a gross and palpable method of getting something for nothing. These rules of behavior bore a simple and intelligible relation to the rather primitive economy into which the world had relapsed after the luxuries of Roman civilization. The modern economist would probably be willing to admit that a man should give and take the just price if he only knew what the just price was. In a simple society it seems to be known. It is what always is, always has been and always will be given by men who know what they are about. It is in fine the customary price, and if a seller gets more than that it can only be either by deceiving the purchaser or by taking advantage of some special necessity. In other words it is a piece of individual wrongdoing, as the modern economist would very willingly admit. But as soon as markets begin to extend, as alternative sources of supply occur, and, finally, when competition sets in, customary standards lose their hold. The classical economy has built itself up around the conception that there is really no exchange value attached to a thing except that which can be arrived at by the higgling of the market in free and open competition. The difficulty is not unfelt by the exponents of the canon law and as the economic system develops they take account of the impersonal forces determining value, but without deserting the principle that it is illegitimate to make selfish profits at the expense of another. It must be borne in mind, however, that for them a just price and just remuneration is that which is suited to maintaining a producer in the state of life to which he is accustomed, without superfluities—a standard which it must be said seems to accept and stereotype the class distinctions of the feudal world.

Lastly, with regard to usury, which has a long and rather tangled history, the canonists were right in condemning the man who takes advantage of the necessities of the peasant. But they misunderstood the nature of interest when they troubled themselves with distinctions between interest on money and rents on land, between recompense for risk or damage and bare payment for the use of money. For a long time they did not appreciate that the use of a loan was a valuable asset for which the borrower would be just as willing to pay as, say, for the tool which he had to buy outright in order to carry out his job. In large scale transactions of Jews and of great firms like the Fuggers, however, it became apparent that the big men who borrowed from them were not in a position to be put upon, but were acting with their eyes open on the well founded belief that they were getting full value for the interest which they undertook to pay. If the self-interest of important men was the main motive for the toleration of such transactions, there was a real distinction, at first no doubt more readily felt than accurately formulated, which eventually led to a very different view of interest. How far the prohibition of usury held back the development of industry and commerce is not very easy to say. Its most palpable effect was to concentrate finance in the hands of the Jews, who had no scruples about taking usury from Gentiles. But eventually the entire machinery of regulation proved ineffective to deal with the oncoming rush of the new industrial forces, before which the old rural economy and the guild monopolies went down, carrying bad things like serfdom and good things like neighborly dealing along with them in their ruin.

It has been a common opinion that the Protestant Reformation was responsible for the economic individualism which came to dominate the modern world, and which as a doctrine won its way to supremacy during the eighteenth and nineteenth centuries. But recent writers have shown this to be a mistake. Luther's attitude on questions of industrial regulation was, indeed, inconsistent and quite unsystematic. Calvin, however, not only took over the general conception of the duty of the church to regulate the economic order but carried it through with an efficiency and particularity which the mediaevalists might have envied. And it was the Elizabethan and Stuart legislation, notwithstanding its opposition to Calvinism, which was not only insistent upon the authority of government but made the first effective attempts to adjust its regulations to the changing order of things. Calvin, however, and with him the forms of Protestantism, deriving and yet departing from his impulse, introduced (or at least gave real effect to) two new departures. They definitely recognized the legitimacy of interest under strict moral limitations, whereby the new capitalism achieved legitimacy and social respectability and, further, they gave to the industrial virtues of probity, industry and enterprise an acknowledged place in the moral order. Cutting off much of the gaiety of life they sought an outlet for human energy in cultivating the fruits of the earth for the benefit of man, conceiving success as a testimony to the glory of God and even as a proof of divine favor to the elect. The Puritan type, essentially serious and strenuous yet on principle repudiating asceticism and monasticism, living in the world, marrying and giving in marriage, needed a direction for its energies which was secular and yet honorable and pious. Wealth could be turned to the service of God and to the benefit of the poor, and in fine the doctrine that the meek should inherit the earth might take the form of a demonstration that the elect understood how to cultivate its fruits and to use them for the common advantage. The repudiation of luxury, wanton expenditure and idleness could take the form of the exaltation of thrift, strict application to business and austere self-control in the enjoyment of its fruits, which would after all only result in their continued multiplication.

These principles, in R. H. Tawney's view, held the field in England until the Restoration, after which they suffered from simultaneous assaults from more than one source. In the first place, there was a general reaction against severity of control, religious and even moral. In the second place, the monarchical and still more the ecclesiastical machinery for the control of industrial relations suffered in the Puritan estimation from the general unpopularity of church and king. But, in the third place, and what turned out most fundamental, the new commerce and particularly the new finance began to claim autonomy and evolved its own science of political arithmetic, which in the next century began to be known as political economy. The central idea which emerged in this study was that economic relations left to themselves regulated themselves. There was an underlying harmony of interests, a hidden hand, which brought it about that intelligent but selfish men in their dealings with one another were forced by their mutual relations to give the best service to each other while merely seeking the best advantage for themselves. Regulation from above might have its exceptional uses, but too often it was inept and in the main only served to block the natural channels into which unimpeded self-interest would flow to the advancement of wealth and the greatest common sum of prosperity. Even the good intentions of government were by no means above suspicion. In England the aristocracy had obtained power and used it for its own advantage. In administration it was difficult enough to get bare honesty. No one would have dreamed of committing to the rudimentary civil service of the eighteenth and early nineteenth centuries the great complex of regulations which are efficiently worked at the present day. It was by no means certain that to tighten regulation would benefit the sufferers from the industrial changes, and many of the old controls were manifestly out of date.

It would be unfair to condemn the economic movement root and branch for its emancipation of industrial life from religious, legislative and administrative control. Men like Adam Smith were as humane and as much inspired by the conception of the common well being as any mediaeval canonist, but they believed that in what they called the system of natural liberty they had found the right way, and so far as they were condemning the governments and governmental methods of their experience who shall say that they were wrong? The real mischief was, as the Hammonds have shown, that in the critical early period of the agrarian and industrial revolutions the governing classes took from Adam Smith what suited them and quietly ignored what was inconvenient to them. Where it was a question of protecting the standard of the workers the doctrine of laissez faire seemed a heaven sent message. Where it was a question of enclosures there could be no objection at all to the use of the law. Freedom of contract and exchange was everything where the employer of labor required the unrestricted right of working women and children for the hours and under the conditions which suited him, but freedom of imports was all wrong when it would lower the price of agricultural products. The incidence of Christianity on the economic life seems to have been virtually in abeyance during the eighteenth century until the time of the Methodist and Evangelical revivals. These bore their legislative fruit in the agitation for the factory acts and in the reform period were, so to say, incarnated in the great dominating personality of Lord Shaftesbury; while the Christian socialism, which began with Maurice and Kingsley and later in the century was carried forward by a small but well instructed and influential group of High Churchmen, has undoubtedly played its part in the reestablishment of moral ideas in industry. To such forces as these we may fairly attribute the contrast between the markedly anti-Christian attitude of continental socialism and the relatively friendly relations obtaining in British society. Once again we find the primitive elements in Christianity in cooperation with ethical rationalism.

In the law of the family Christian doctrines have been dominant since Constantine. Christian ethics, for reasons which have never been fully explored, have tended to concentrate on the sexual relation. The tendency does not originate with the Gospels, whose sex teaching is simple and free from all morbidity. Its germ appears in the kind of bewilderment with which St. Paul speaks of women, but did not mature until the appearance of a form of asceticism which condemned the sexual relation entirely. The sounder mind of the early church rejected this exaggeration, but accepted virginity as the better way and saw an incompatibility between the sexual life and the exercise of spiritual ministration, which eventually hardened into the prohibition of marriage to the clergy in the western church, with effects beyond measure on the relations of priesthood and laity. For the laity itself the church would recognize marriage only in the form of indissoluble monogamy. So far as monogamy was concerned it had no difficulty with the Roman law but a good deal with the customs of the invaders, who allowed chiefs and kings more than one wife. Long centuries later some of the reformers even weakened on the point of principle, having political convenience to tempt them and Old Testament patriarchs to excuse them. But this was a brief aberration. The matter of divorce was more serious. The Roman law allowed the easy dissolution of marriage. The canonists were not satisfied until in theory they had suppressed it altogether. Separation, in cases of cruelty and gross misbehavior, they had to allow, but there could be no breaking of the marriage bond. Innocent or guilty, the parties that could not live together must live celibate. Yet marriage was not rendered particularly secure, for although it could not be broken it might be annulled, no matter how long after its consummation, if any flaw were found in its conditions—for example, if the consent of either party had not been genuinely given, or if they were found to be entangled somewhere in the web of forbidden consanguinities, affinities, spiritual relationships. The ramifications of this web were such that it has been doubted whether in the Middle Ages the fully valid marriage was not rather the exception than the rule. The tangle was, however, combed out by the Reformation and, less drastically, by the Counter-Reformation. The Protestants, moreover, denying marriage to be a sacrament, have gradually come to allow divorce, although they have for the most part declined to accept the full consequences of the alternative view that marriage is a contract.

The Roman woman, particularly the matron, had won a status and a freedom scarcely paralleled before, unless it were among the most primitive of men, or since, unless among the most advanced. Some early civilizations, the Egyptian and to a degree the Babylonian, had given woman a good position. It was the distinction of Rome that the position of women improved as civilization advanced, and that, notwithstanding vague general charges of immorality, she gained in freedom without loss of man's respect. Of her freedom one very important element was conserved and even extended by Christianity in the doctrine of free courtship and consent in marriage, noted above. Otherwise the woman, and especially the wife, sank into a position of dependence of which the best one can say in general terms is that it was not everywhere as abject as it was under English law. Fierce punishments for irregular relations signalized the first entry of the church on the scene of legislation, and in this work Reformers were even more ardent than Catholics. The suppression of infanticide was a great advance on pagan morals, but the treatment of the unmarried mother was harsh to the point of cruelty.

Yet in some ways Christianity raised the status of women. The ascetics, in too many of whom are evident clear signs of sexual abnormality, might think of women as limbs of Satan, and yet, upon the whole, Christianity (and not only the Christianity of Christ, but of the churches—the eschatology, the ceremonies, the confessional) made its prime appeal to women, and through the ages it is women who have kept men Christian. Women took a prominent place among saints and martyrs and have always been in the center of works of charity. Comparative ethics will justify the claim that Christianity brought to fruition a type of womanhood little developed and still less recognized before its time. With the recognition of this type men began for the first time to think of women as of a finer texture than themselves, and romantic love ousted sensual passion as well as mere adventure from the central place in literature. Such opinions may be derided today, but we are here dealing with historic facts, and the attitude to women, which became distinctive of western civilization, is historically one of the most important sociological effects of Christianity and must in fairness be set against those other influences upon sex and family life which were less favorable to the status of woman.

There is probably no one so discontented with the measurable effects of Christianity upon society as the serious Christian. But of the method of estimating these effects as attempted here he will probably say that on such lines we fail to see the wood for the trees. Christianity is a religion of the spirit, and it is in the spirit and not in the outer law that its work has been done. To have established the authority of conscience and widened and deepened the claims of man on man are the great permanent achievements of Christianity, expressed not in specific institutions but in the general spirit of social life. Such achievement is difficult to bring to the test of fact, indeed more than difficult unless we have an agreed system of values. For the sake of argument I will assume what I take to be the standards of ethical rationalism and try to imagine what an ancient rationalist like Seneca or Marcus Aurelius, if he could return to the world, would say of Christendom. I think, then, that he would judge our societies to be full of contradictions and unsolved problems, but to be on balance better and far more full of hope than his. If Socrates were the *revenant* his attitude would be more uncertain. He would no doubt ask us a number of awkward questions, for instance whether automobiles and wireless really make us happier, and, if not, why we spend so much on them; while as to hope he might maintain that even in the humiliated Athens of his last years she lingered at the bottom of Pandora's box. Nevertheless, I think he would come to recognize a larger outlook than that of the city-state, a truer appreciation of the common man than that of the Greek intellectuals and in fine some things that were not on his horizon at all. I think we could substantiate these judgments in gross by comparisons in detail on the major points. But if, discarding all extravagant claims, we take a favorable view of modern Christendom, we have still to ask how far its advances, or for that matter its backslidings, are due to Christianity and how far to such other causes as freedom of thought, the advance of knowledge, the development of industry and political organization. A very searching analysis would be needed to disentangle factors so intimately interwoven.

But two results have emerged in our brief discussion. The first turns on the discrimination of periods and of churches within Christianity itself. To the ethical rationalist, who on this point at least figures as an impartial outsider, it appears that the sociological contribution of some of the sects has been more notable than that of the official organization, and that if the message of essential Christianity is taken to heart by individuals of all churches, it is enforced collectively only by some churches or only at some periods and in some relations. When so taken, however —and this is the second result—the message goes deep, for this same rationalist, whose natural sympathies are all with knowledge, will yet recognize as an impartial investigator that the scientific view in social applications has suffered from crudities and limitations, and economic advance has been responsible for oppressions and degradations of standard to which essential Christianity is a great corrective. Not accepting its speculative foundations such a thinker is free to criticize its judgments and may not even accept all its principles of valuation, but he knows that the essence of its social teaching must be absorbed into anything that can call itself a rational reorganization of society.

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See: Religion; Religious Institutions; Priesthood; Communism; Communistic Settlements; Asceticism; Monasticism; Charity; Service; Religious Orders; Military Orders; Papacy; Canon Law; Apostasy and Heresy; Inquisition; Proselytism; Missions; Reformation; Sects; Cults; Christian Socialism; Social Christianity; Protestantism; Puritanism; Humanitarianism; Morals; Ethics; Paganism; Confucianism; Buddhism; Brahminism and Hinduism; Judaism; Islam. See also in Part 1 of the Introduction to volume 1, The Universal Church and The Growth of Autonomy.

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CHRYSOSTOM, JOHN (347–407), church father and doctor. He was priest in his native city of Antioch from 386 to 398 and afterwards patriarch of Constantinople. John's fame as the greatest preacher of the early Christian church won for him after his death the epithet Chrysostom, or "the golden mouth"; both by his contemporaries and by subsequent historians he has been praised as a tribune and attacked as a demagogue. His preaching, especially at Antioch, was devoted to the reform of morals on the basis of early Christian social life. Great wealth was in the hands of a very few excessively rich men, who spent it on luxury. Of the remaining population of Antioch one tenth was destitute and eight tenths lived in comfort. The rich were denounced by Chrysostom for having acquired their immense fortunes by violence, cheating, monopolies and usury, and for their indifference to the distress of the poor. As the result of a law of the empire which made municipal councilors personally liable for the expenses of the city the old aristocracy could no longer afford, and the new plutocracy refused, to hold office. It was therefore, according to Chrysostom, inevitable that the life of the poor in the agricultural districts was miserable, in the urban districts criminal. Yet he never incited the poor to plunder the rich; on the contrary, he wished everyone to be poor after the model of the apostolic Christians. Following his transfer to Constantinople he carried out his own principles by selling for the benefit of the poor the treasures collected by his predecessor, the patriarch Nectarius. In every sermon he urged alms giving—money, clothes, food, free professional services or a small money contribution to be collected from each family at the end of the business week. Stoic in his philosophic tradition, he maintained that private property and slavery were not natural but conventional, i.e. not in nature but by experience found to be inevitable in human life. In spite of this theoretical justification of slavery, he condemned cruelty on the part of the owner, going so far as to degrade a deacon who had struck a slave. Another phase of Chrysostom's reforms was the reestablishment of a purely Christian education (the Greek of his many exegetical and homiletic works is in perfect style) and of the sanctities of married life. Thus he insisted that the infidelity of the husband was as evil as the infidelity of the wife. He forbade the killing of heretics. His reforms and his sermons brought him into conflict with the court at Constantinople, especially with the empress. He died in exile.

BEDE JARRETT, O.P.

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CHUANG TZU (fourth to third century B.C.), Chinese moral philosopher and mystic. Chuang Tzu was born in what is now the province of An-hui. In his youth he held a post as petty official but later he retired to private life and refused all offers of high position. Living in a period of strife between the seven states and of bitter controversies between the rival schools of thought, he developed a philosophy of negation and skepticism which led to a life of inaction and to a sense of futility in the search for truth. To Lao Tzu's affirmation that the Way is to be able to do nothing he adds the dictum that the Way is also to know nothing. As a mystical idealist and philosophic interpreter of Taoism he raised a bitter cry against the materialism and utilitarianism of the Confucian school. A consistent anarchist, he also preached a doctrine of a golden state of nature and the need for a return to it which is strongly suggestive of Rousseau. All government is, in its origin, inherently evil. The creation of the state marks the beginning of confusion and disorder. All man made rules of virtue and propriety are bad in that they are destructive of the proper harmony between man and his nature. Chuang Tzu never tires of assailing the "sage" and the "model ruler" as those who have brought about man's degeneration from the natural state. Like Machiavelli he develops the idea of the non-existence of a state morality. "How is this so?" he asks. "One man steals a purse, and is punished. Another steals a state and becomes a prince."

Chuang Tzu, as Giles points out, was for many centuries classed as a heterodox writer and as such was of little use to the candidates for official positions at the competitive examinations. As a result he was studied chiefly by older men who had retired from office or who had become disappointed in their careers. At present, however, he ranks as the most imaginative and poetic thinker of ancient China and as the most brilliant Taoist his country has ever produced.

KOPPEL S. PINSON

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CHUPROV, ALEXANDER ALEXANDROVICH (1874–1926), Russian statistician, son of the economist A. I. Chuprov. After graduation from the faculty of mathematics in Moscow he studied social science in German universities, publishing in 1902 *Die Feldgemeinschaft, eine morphologische Untersuchung* (Strasbourg), a doctoral dissertation prepared under G. F. Knapp. For the next fifteen years he was associated with the economics faculty of the St. Petersburg Politechnic, where in general lectures and seminar work he trained a number of well known statisticians. Although he was interested primarily in statistical theory he maintained fruitful contacts with practical workers, particularly *zemstvo* statisticians, and contributed articles on such subjects as demography and rural economics. In 1917 he did not return to Russia from his summer trip abroad. He lived first in Stockholm and later in Dresden, where conditions were favorable to the undisturbed pursuit of scientific work. In 1924 he was elected honorary fellow of the Royal Statistical Society of London.

Chuprov was one of the founders of the modern logical and mathematical theory of statistics. He provided a synthesis of several hitherto uncoordinated lines of thought: the biometrics of Galton and Pearson in England, the investigations of the stability of statistical series by Lexis and Bortkiewitsch in Germany and the work in probability calculus by the Russian mathematicians Chebishov and Markov. In his study of the logical aspects of statistical theory Chuprov attached considerable importance to probability as the basis of the statistical method. To him a statistical measurement represented a reflection, affected by chance, of certain a priori relations, which being looser than strictly causal connections could be described as probability relations. In his interpretation of probability as an expression of objectively existing possibilities rather than as the effect of imperfect knowledge he followed A. A. Cournot and to some extent J. von Kries. In the mathematical theory of statistics Chuprov made considerable progress, using the method of mathematical expectation. He criticized and modified the conclusions of the English and some of the German school with reference to the applicability of the law of large numbers in statistical practise and in correlation theory.

Stanislas Kohn

Important works: *Ocherki po teorii statistiki* (Essays on the theory of statistics) (St. Petersburg 1909, 2nd ed. 1910); "Zur Theorie der Stabilität statistischer Reihen" in *Skandinavisk aktuarietidskrift*, vol. i (1918) 199–256; "On the Mathematical Expectation of the Moments of Frequency Distributions" in *Biometrika*, vol. xii (1918–19) 140–69, and vol. xiii (1920–21) 283–95; "On the Mathematical Expectation of the Moments of Frequency Distributions in the Case of Correlated Observations" in *Metron*, vol. ii (1922–23) 461–93 and 646–83; "Ist die normale Stabilität empirisch nachweisbar?" in *Nordisk statistisk tidskrift*, vol. i (1922) 369–93; *Grundbegriffe und Grundprobleme der Korrelationstheorie* (Leipsic 1925); "Ziele und Wege der stochastischen Grundlegung der statistischen Theorie" in *Nordisk statistisk tidskrift*, vol. iii (1924) 433–93; "The Mathematical Theory of the Statistical Methods Employed in the Study of Correlation in the Case of Three Variables" in Cambridge Philosophical Society, *Transactions*, vol. xxiii (1928) 337–82.

Consult: Kohn, Stanislas, in *Nordisk statistisk tidskrift*, vol. v (1926) 171–94; Tschetwerikoff, N. S., in *Metron*, vol. vi (1926) 314–20.

CHUPROV, ALEXANDER IVANOVICH (1842–1908), Russian economist and statistician. After graduation from the law faculty of Moscow university Chuprov received a teaching appointment in 1874 and for the next twenty-five years lectured to large classes on economics and statistics. In 1899 he resigned because of poor health and spent the rest of his life abroad, continuing his scientific work. His influence as a teacher was enormous; an excellent lecturer, he stimulated his students to independent interests and trained a whole generation of academic economists and practical statisticians. He edited for publication students' notes of his university lectures on statistics, theoretical economics and history of economic doctrines; these enjoyed wide popularity as texts. No less important was his activity in public life. He was one of the owners, editors and regular contributors to the liberal Moscow daily, *Russkiya vedomosti* (Russian gazette). While serving as president of the statistical section of the Moscow Law Society he turned it into a center for coordinating the work of *zemstvo* statisticians. He was one of the initiators and the intellectual mainstay of the broadly sketched inquiry into the rural economy of the major part of European Russia which beginning in the seventies was conducted by the statistical departments of many *zemstvo* (local self-government bodies).

Chuprov sympathized with the aspirations of Russian populists (*narodniki*) and believed in the desirability of preserving the village community, the artel and other peasant institutions. In the field of theory he was close to the German historical-ethical school. His contributions along strictly scientific lines include two volumes on railway economics (Moscow 1875 and 1878) which are even at present considered classics, and a number of shorter works on peasant agriculture and landholding, most of which are to be found in a three-volume collection published posthumously (Moscow 1910–11) with a biographical sketch by N. Kablukov.

Vladimir E. Dehn

CHUQUET, ARTHUR MAXIME (1853–1925), French military historian and literary critic. The foundation of his broad knowledge of German language and literature was laid during his undergraduate studies at the École Normale Supérieure in Paris and at the University of Leipsic, which he attended for two years as a graduate student. Throughout his academic career, which took him in turn to the Lycée

Saint Louis (1876), the École Normale Supérieure (1886), the École Supérieure de Guerre and the Collège de France (1893), he exerted a considerable influence as professor of German. He was the author of several works of literary criticism dealing not only with German literature but also with French writers, such as Rousseau and Stendhal.

Chuquet is much more widely known, however, as a military historian, and more especially as a writer on the revolutionary and Napoleonic wars. His interest in military history was aroused by the research involved in editing Goethe's *Campagne in Frankreich*, which is a description of the Argonne campaign of 1792. Discovering that there were no satisfactory accounts in this field, Chuquet continued his researches, which he embodied in his doctoral thesis on the Argonne campaign. Thereafter he devoted a considerable portion of his activity to study of the revolutionary wars in a series of eleven volumes (*Les guerres de la révolution*, Paris 1886–96). Additional publications, limited almost entirely to this same field, include *La jeunesse de Napoléon* (3 vols., Paris 1897–99); *Ordres et apostilles de Napoléon 1799–1815* (4 vols., Paris 1911–12); *Études d'histoire* (8 vols., Paris 1903–20); only occasionally, as in *La guerre 1870–71* (Paris 1886–96), *1914–1915*, *De Valmy à la Marne* (Paris 1915) and *Allemands d'hier et aujourd'hui* (Paris 1918), did he go further afield.

In addition to his activities as historian and teacher Chuquet during the period from 1888 until his death edited the *Revue critique d'histoire et de littérature*, which had been founded in 1866 by Gaston Paris and Gabriel Monod. This periodical restricts itself to critical summaries of contemporary publications and has rendered the greatest service to scholarship by condemning unreservedly all works that do not respect the rule of historical method. During the thirty-seven years of his editorship Chuquet was one of the strongest influences on historical study in France, not only through the articles which he himself published, one thousand approximately, but also through his selection of collaborators.

In 1900 he was elected a member of the Académie des Sciences Morales et Politiques. He contributed actively to its work and published an important number of articles in its *Compte rendu*.

ED. ESMONIN

Works: For a complete list, see Girard, Georges, "Notes bio-bibliographiques, Arthur Chuquet" in *Bulletin de la maison du livre français*, no. lxxix (1925) 1197–1200.

Consult: Reinach, Salomon, and Croiset, M., in *Revue critique d'histoire et de littérature*, n.s., vol. xcii (1925) 197–201; Janet, Pierre, in Institut de France, Académie des Sciences Morales et Politiques, *Séances et travaux*, vol. 204 (1926) 99–101.

CHURCH. *See* RELIGIOUS INSTITUTIONS.

CHURCH FATHERS is the comprehensive term applied to that group of great Catholic theologians whose activity and influence extended from the middle of the second to the end of the sixth century and who provided the rising church with its framework of dogma and apologetics, its legal supports and its philosophic foundations. They are to be distinguished, on the one hand, from their predecessors, the so-called apostolic fathers like Clement of Rome, Ignatius, Polycarp and Hermas, who, it is assumed, were directly chosen by the apostles or at least had been in personal contact with them; and, on the other hand, from the innumerable later theologians and lay writers whose theological, philosophical and historical works were premised on the already firmly established organization of the papal church of Rome.

The apostolic fathers contributed greatly to the crystallization of the spiritual enthusiasm of primitive Christianity into a system of moral principles and community regulation. With the church fathers, however, the new religion entered openly into the intellectual and spiritual struggle with the forces of classical religion and philosophy. The church fathers of the first generation, among whom Aristides, Justin Martyr and Tatian (second century) were outstanding, are known as apologists since their most important function consisted in defending Christianity against the state and society of classical antiquity as well as against the Jewish rabbis. Those of the next generation, although often classed with the apologists, are more correctly designated as old Catholic fathers, for with them apologetics was subordinated to constructive work.

Corresponding to the general course of Christianity, which spread slowly from the provinces to the world metropolis at the center of the empire, all inspiration for theological development came for a long time from the provinces. Irenaeus (*c.* 130–*c.* 200), bishop of Lyons, and his contemporary Hegesippus came from the East, and the mighty leaders of the church from Tertullian (*c.* 160–*c.* 220) to Augustine (354–

430) and from Origen (*c.* 182–*c.* 255) to Athanasius (*c.* 295–373) came from Africa and from Egypt.

Tertullian, formerly a highly esteemed Roman jurist but after his baptism a presbyter in his native Carthage, saturated the Christian νόμος, or moral law, with the phraseology and concepts of Roman law. He thus not only provided Catholic discipline and dogmatics with a lasting form but also paved the way for that fusion of divine law, natural law and Roman law which became the basis of all practical scholastic ethics. Tertullian's most important pupil was Cyprian (*c.* 200–258), bishop of Carthage. Cyprian proclaimed the doctrine of the unity of the episcopal church and of church representation in the bishop and in his struggle with the heretics established for all time the Catholic principle that communion with Christ is impossible without adherence to the church.

Almost contemporaneous with this development of patristics in Africa there arose a catechetical school in Alexandria whose leaders permeated Christian theology with Greek political philosophy just as the Africans had done with Roman law. Clement of Alexandria (*c.* 150–*c.* 215) in his homily, *Who Is the Rich Man That Shall Be Saved?* gave a quieting answer to the agitating question of the attitude of Jesus and the church toward riches and the rich. Origen, who was a polyhistorian with a wide view of classical antiquity, Christianity and Judaism and a founder of Catholic theology and systematic theological philology, combined the political philosophy of Plato and the world views of Philo with the teachings of Jesus and of primitive Christianity.

Eusebius of Caesarea (*c.* 265–*c.* 340), whose chronicle and church history are valuable for their excerpts from writings and documents otherwise extinct, belongs to that new epoch when Christianity, elevated to a state religion, shed the last vestiges of its apologetic attitude and directed more of its attention to the legal and economic order of this world. At the same time the political and doctrinal feuds of the church assumed a new intensity. Athanasius, the leader of the Egypto-Byzantine orthodoxy, won recognition for the pronouncement of the Council of Nicaea in 325 on the identity of substance in Christ and God the Father, as against Arius (*c.* 250–336) and his doctrine of the similarity of substance.

It was not so much the Christian theology of the Greek East but rather Christian poetry and literature which culminated in the fourth century in the "three great Cappadocians," Gregory of Nyssa (*c.* 335–*c.* 394), his brother Basil the Great (*c.* 331–379), bishop of Caesarea, and their friend Gregory of Nazianzus (*c.* 325–*c.* 390). Reared in the tradition of Origen they rescued the precious Alexandrian heritage for the Greek church. Their work, which lives today in the liturgy and rules of monks and convents, as at Athos, sealed the fusion of Greek Catholicism with Platonism and neo-Platonism. Among their supporters Chrysostom stands out for his forceful preaching. This period also marks the culmination of western theology in Ambrose (*c.* 340–379), in Rufinus (*c.* 345–*c.* 410), whose translations of Origen, Eusebius, Basil and others secured the work of the Greek fathers for the West, and in Hieronymus (*c.* 340–420), whose Latin translation of the Bible, the Vulgate, is still revered and used in the Roman Catholic church. All this achievement bore its richest fruit and found its highest intellectual and spiritual expression in the works and activity of that great African, Augustine (*q.v.*), in whom the ancient and the mediaeval, the early Christian and the late Roman theology and philosophy, met and became one.

The church fathers of the fifth and sixth centuries built on the theological and philosophical foundations laid by their predecessors without ever attaining either their eminence or influence. The Alexandrian tradition, which received new impetus under the lead of Didymus the Blind (*c.* 310–*c.* 395), found its last effective representative in the patriarch Cyril. Egyptian monasticism, chiefly through the influence of the lives of Egyptian and Palestinian monks written by Palladius (368–*c.* 431), became the admired prototype of all Christendom. Catholic mysticism was formulated in the work of the pseudo-Dionysius the Areopagite (*c.* 500). In the West the line of Augustine descends through Martin of Tours and Orosius, the author of an apologetic history of the world, to Leo I (? – 461) and Caesarius (*c.* 470–542). The latter as bishop of Arles was a popular preacher as well as the creator of the Frankish church ritual. Gregory the Great (*c.* 540–604) was the last of the great fathers of the old church and the first of the great mediaeval popes.

There is no general and uniform system of political and economic thought that can be ascribed to the church fathers. All attempts at establishing a uniformity of doctrine or of development are faced with the insurmountable difficulty of differences and contradictions between the various church fathers in the realm of social thought that are as great as are their theological differences. A short survey must therefore limit itself to a consideration of the most important views on some of the most important problems.

First in importance was the relation of the individual Christian and of the church to the secular state. By the middle of the second century, when the work of the church fathers began, the radical tendencies in early Christianity were already confined to uninfluential sects. The views that the state in itself is bad and that earthly rule is a gift of Satan yielded to a more harmonious adjustment. This attitude is revealed in the incorporation of a prayer for the reigning emperor in the church liturgy as early as the time of Clement of Rome (*c.* 100). Moreover, the theory of the inherent contradiction between the Roman and the Christian ages had been replaced by the doctrine already propounded by Melito of Sardis (*c.* 180) that God had from the beginning and for all eternity joined together the universal empire and the universal religion, Augustus with Jesus. As long as the empire worshiped the ancient gods and adhered to the cult of the emperor, clashes between the old and the new faith, even apart from the great Christian persecutions, were unavoidable. Neither Origen nor Tertullian nor Cyprian, however, concluded from that the existence of an eternal and inevitable hostility. They established firmly the moral superiority of the divine over the earthly community and pointed out weaknesses and contradictions in procedure, but sought to demonstrate not so much the guilt of the state toward the Christians as the blamelessness of the Christian toward the state. After the establishment of Christianity as the state religion the problem of the relation of a heathen state to the Christian church disappeared. Only rarely, as in the case of Ambrose, had it dawned on the church fathers that the relationship of a Christian state to the church also involved numerous difficulties. The immediate problem was to discover the distinguishing characteristics of the Christian state and its rulers and its essential differences from the ancient state. The solution was facilitated by the generally accepted patristic, as well as stoic, distinction between the natural and the historical state. The way, moreover, was paved by Ambrose who Christianized the stoic doctrine of duties and linked the four cardinal virtues of Plato and of classical antiquity with the three Christian virtues. It received its form, definitive for over a thousand years, in the work of Augustine, who found the distinguishing mark and valid criterion in the Christian *justitia*, which allots his due to each individual and even to God.

Natural law never attained the same importance among the church fathers as it later achieved in scholastic thought. Nevertheless, or perhaps for this very reason, there was a uniformity of conception never attained in later times. Men of such contrasting natures as Origen and Tertullian, Hieronymus and Augustine, combining the Ciceronian-Roman theory with Paul's words in his *Epistle to the Romans* (II : 15), taught what was essentially the same doctrine, namely that natural law, which is divine law, is inscribed in the heart of man. This *lex dei* or *lex naturae* transcends all earthly and written law. Even God's own Mosaic law, according to Hieronymus, became necessary only because the natural law was either disregarded or destroyed. According to Ambrose natural law is the law of the just; written law is necessary only for the unjust.

While the Gospels proclaim no doctrine of property as such, the uselessness, the danger and the obligations of wealth are clearly pointed in the acts of Jesus and his apostles and in the words of Jesus to the rich young ruler. It was thus an easy transition to the absolute interdict against private property and to the radical demand for a Christian communism. The *Acts of the Apostles*, *Revelation*, the *Epistle of James* and the *Shepherd of Hermas* all prove that there was a strong communistic strain in early Christianity. To be sure, it made no impress on the church; yet it was not only partially realized in the small communities of convents and monastic orders but with few exceptions also influenced the church fathers toward the assumption that property was held in common—at least in the original state, the state of nature. Nevertheless, it must always be borne in mind that religious-communistic thought, unlike modern communism, never expected salvation from the communization of property nor considered this principle of social order as an elementary premise of social justice. What the church fathers believed to be necessary was contemplation, conversion and a fraternal life; but out of these principles proceeded the ethical conclusion, revealed in the ideal Christian state as set forth in the *Acts of the Apostles*, that no one might call anything his own and that riches impose the obligation to use them for the welfare of all Christian brethren.

All the church fathers looked upon property in general and wealth in particular as a worldly fact and a historical category; their attitude bore no relation to the modern view of the sanctity of private property. A small group, represented by Clement of Alexandria and Lactantius, went so far in their quietistic position as to reinterpret metaphorically the story of Jesus and the rich young ruler as a demand that not wealth but pride and presumption be cast aside. The overwhelming majority, even those who did not lead a monastic life and advocate it as the ideal for all Christendom, agreed that property was an institution made necessary by the fall of man and hence to be tolerated. Wealth can only be endured if the rich man shares it with his poor brethren. Even Clement in another work taught that it was not proper for one man to be rich while others starved. Cyprian declared that property originated only from the confiscation of divine possessions and should therefore be used in common. According to Basil, who was more severe, a man who appropriates to himself what was given to him to distribute is a robber. Ambrose, Hieronymus and Augustine expressed themselves similarly. The most radical teaching of all is that of Chrysostom, friend of Basil. He looked upon community of property, not private property, as in accordance with nature and he considered it inconceivable for the rich man to be a good man. This radical theory of property, as well as the conservative view, continued through the Middle Ages in the works of Isidor of Seville and in the Gratian Decretal, and the former provided the basis for one of the first communistic movements of modern times, that of the Anabaptists of Münster.

"Let every man abide in the same calling wherein he was called," was Paul's teaching (*I Cor.* VII: 20). This attitude was characteristic of that early period of primitive Christianity when the return of the Lord was considered imminent and when Christianity's official representatives felt it necessary to guard against all revolutionary tendencies. The church fathers preached and wrote when eschatological hopes had faded, when it was necessary to give the increasing multitudes of the faithful rules and regulations for daily life. The question was now raised whether all callings were really suitable for the Christian; the problem of military service for a Christian was debated and all activities connected with the ancient sacrificial ritual were forbidden. The attitude toward trade presented special difficulties. The opinion that trade is an undesirable occupation for Christians because it distracts the soul from God was held almost unanimously. Yet trade could not be dispensed with and when the state and the majority of the population were Christian its complete prohibition was out of the question. The only solution was to condemn trade conducted for the greatest possible profit and at the same time to sanction trade restricted to the mere exchange of goods. From the fifth century on, the church established another limitation: laymen were allowed to trade but not the clergy.

The opinions of the church fathers on questions of price and interest followed logically from their views on the problems previously considered. While they expounded no price or interest theory in the modern sense they followed what was implicit in the commands of Christian ethics. If trade in itself was dubious, it was self-evident that taking interest should be forbidden as usurious. The words of the *Gospel of Luke* (VI : 35), "Mutuum date, nihil inde sperantes," formed a guiding principle for all the church fathers. Their position offered greater difficulty in connection with price, its existence and amount. To be sure, the idea of a just price (*justum pretium*) was the governing principle. But even though there were authoritative examples, there were no specific directions as to how this just price was to be determined. Generally speaking, the church fathers condemned as anti-Christian the principle "to buy cheap, to sell dear" and held as just that price which was based on the cost of production or reproduction and which assured a mere livelihood for the seller.

EDGAR SALIN

See: CHRISTIANITY; RELIGIOUS INSTITUTIONS; PAPACY; CANON LAW; STATE; NATURAL LAW; COMMUNISM; USURY.

Works: Migne, J. P., *Patrologia latina*, 221 vols. (Paris 1844–80), and *Patrologia graeca*, (Greek-Latin ed., 161 vols., Paris 1857–64; Latin ed., 81 vols., Paris 1856–61). A more scientific edition of the Latin fathers is the *Corpus scriptorum ecclesiasticorum latinorum*, vols. i–lxv (Vienna 1866–1926), and of the Greek fathers *Die griechischen christlichen Schriftsteller der ersten drei Jahrhunderte*, vols. i–xxxvi (Leipsic 1897–1929). For an English edition see the *Ante-Nicene Christian Library*, ed. by A. Roberts and James Donaldson, 24 vols. (Edinburgh 1868–72).

Consult: Cadoux, C. J., *The Early Church and the World* (Edinburgh 1925); Carlyle, R. W. and A. J., *A History of Mediaeval Political Theory in the West*, vols. i–v (Edinburgh 1903–28) vol. i; Gierke, Otto, *Das deutsche Genossenschaftsrecht*, 4 vols. (Berlin

1868–1913) vol. iii, ch. i; Salin, Edgar, *Civitas Dei* (Tübingen 1926); Troeltsch, Ernst, *Gesammelte Schriften*, 4 vols. (Tübingen 1912–25) vol. i, p. 83–178; Hashagen, J., "Über die Anfänge der christlichen Staats- und Gesellschaftsanschauung" in *Zeitschrift für Kirchengeschichte*, vol. xlix (1930) 131–58.

CHURCHILL, RANDOLPH HENRY SPENCER, called by courtesy "Lord" (1849–95), English statesman. After an undistinguished student career at Eton and Oxford he was elected to Parliament in 1874 and remained a member of the House of Commons for the rest of his life.

He was nominally a Conservative but displayed a conspicuous independence of attitude and action. After 1880, when the Liberals under Gladstone came into power, he rose to rapid eminence as the leader of a group of young Conservatives, the so-called Fourth Party, who not only opposed Gladstone with extraordinary vigor and success but also assailed with equal vehemence the feebleness and incompetence of their own nominal leaders.

Although Churchill's behavior brought him into extreme disfavor with the Conservative chiefs, he won so strong a position both in Parliament and in the country by his audacity and efficiency that when Lord Salisbury became prime minister in 1885 he was made secretary of state for India. During Salisbury's second ministry, in 1886, Churchill was chancellor of the exchequer. In the cabinet he was the sole champion of what he called Tory democracy, a policy which was Tory in defending the monarchy, the established church, the Irish union and the constitution generally, but democratic and even socialistic in advocating extensions of the franchise, wide measures of local self-government and bold experiments in social reform. Growing friction between him and his reactionary colleagues culminated in a definite clash over what he regarded as excessive expenditure on the army and the navy. Hence he resigned his office as chancellor of the exchequer in December, 1886, and was never again admitted into the cabinet. Although he continued to support the Conservative government in its resistance to Irish home rule, on other questions he came into violent conflict with it. It was expected that he would join the radical party, but his premature death occurred before any transfer of allegiance had been effected. Churchill's speeches have been collected and published by L. J. Jennings (2 vols., London 1889).

F. J. C. HEARNSHAW

Consult: Churchill, W. S., *Lord Randolph Churchill*, 2 vols. (London 1906); Wilkinson, W. J., *Tory Democracy*, Columbia University Studies in History, Economics and Public Law, no. 257 (New York 1925) chs. iii–iv.

CHYDENIUS, ANDERS (1729–1803), Swedish-Finnish writer on economic subjects. He was one of the most ruthless opponents of the old economic and social order before Adam Smith and an early champion of laissez faire and of the interests of the poor. A clergyman in the north of Finland, he served as a member of the Swedish parliament in the years 1765–66 and 1778–79. In his publications, most of which were brought out as early as 1765, as well as during his brief and stormy political career, he fought against the existing mercantilist system in all its manifestations, such as the subordination of the smaller towns to the capital, the Swedish Act of Navigation of 1724, interference with foreign trade and the granting of bounties to fisheries and industries. His general doctrine was laid down in a small but very remarkable pamphlet, *Den nationnale winsten* (The national gain: Stockholm 1765; reprinted in his *Politiska skrifter*, Helsingfors 1880, p. 113–35), which is dominated throughout by the idea of a pre-established harmony based upon natural law. He argued that if everyone is allowed to follow his own interests, "private and national gain will merge into one single interest." This system will also extirpate unearned gain and unequal distribution of wealth; "all chances of living without work will be shut out, and no one except the diligent will be well off." It is interesting that he was led to take this position through his intense concern for the well-being of the lower orders, which in a country like eighteenth century Sweden, where industry was little developed, meant principally the rural poor. In the first of his published pamphlets he wrote: "To slave in the service of others so long as they are able, to be thrown away in their old age and left to die in misery: these are the laurels which are meant to kindle in the working multitude a love of their country." Chydenius is perhaps the most forceful writer in Swedish on economic and social questions. He made a great stir in his own day but was soon forgotten and exercised no influence upon his successors in Sweden or abroad. During the last two generations, however, there has been a marked revival of interest in his writings.

ELI F. HECKSCHER

Consult: Schauman, G., *Biografiska undersökningar om Anders Chydenius* (Helsingfors 1908).

CICERO, MARCUS TULLIUS (106–43 B.C.), Roman statesman. He was the leading figure of the Roman bar, the chief prose writer and the principal philosopher of the generation before the fall of the Roman Republic. He was the only Roman who wrote at length on political philosophy. Cicero was consul in 63, suppressed the Catiline conspiracy by unconstitutional means and suffered exile in 58. After his recall the success of the First Triumvirate prevented a renewal of his political career and turned his interest toward literature and philosophy. His opposition to Antony caused his proscription and death after the formation of the Second Triumvirate. He wrote two works on political philosophy: *De re publica* (51) and *De legibus* (published after his death), both of which survive only in part. Although the former disappeared after the twelfth century and was not recovered until 1822, many of its important passages had been excerpted by Lactantius and Augustine and thus the influence of the book continued throughout the Middle Ages.

Cicero's political philosophy was derived chiefly from the stoic Panaetius and the historian Polybius. Its main historical importance lay in the fact that it transmitted the stoic theory of natural law to the church fathers and thus to mediaeval political theorists. In this way the belief that justice, right, equality and fair dealing should underlie positive law became a commonplace in European political philosophy.

From Polybius Cicero adopted the theory of the constitutional cycle and the view that the most stable state is one compounded of monarchy, aristocracy and democracy. But his conception of the growth of the Roman constitution does not agree with Polybius' schematic cycle, nor does his analysis of the Roman magistracies disclose the three elements of the compound state.

The theory developed in *De re publica* includes, besides the regular magistracies, a shadowy "philosophical director" of the state (*rector rei publicae*). Eduard Meyer believes that Cicero's *rector* depicted a role which he intended Pompey to play and anticipated the theory of the principate later achieved by Augustus. It is conceivable, although not demonstrable, that Cicero wrote with Pompey in mind, but the view that he formulated in advance the theory of the principate goes far beyond the evidence.

In politics Cicero, although a *novus homo*, was a staunch supporter of the aristocratic party. He is therefore often charged with toadyism, but probably unjustly. The shortest road to power and prosperity, after the dissolution of the Sulla regime, lay through the rising popular party. Cicero was not unaware of the decadence of the old aristocracy; he complained bitterly that there were hardly enough men of "virtue" to operate the state even in time of peace. He clung to the aristocratic party, nevertheless, because it was all that survived of an earlier order which to his antiquarian mind seemed ideal. Like Demosthenes, he chose to present himself to posterity as the resolute champion of a lost cause, believing with the stoics that virtue shines most brightly through gallant defeat.

GEORGE H. SABINE

Important works: Cicero's principal works bearing on political philosophy are: *De re publica* and *De legibus* (text and translation by C. W. Keyes, Loeb Classical Library, New York 1928; *De re publica* also translated with notes and introduction by G. H. Sabine and S. B. Smith as *On the Commonwealth*, Columbus 1929); *De officiis* (text and translation by Walter Miller, Loeb Classical Library, New York 1918).

Consult: In addition to the introduction by Sabine and Smith mentioned above, Keyes, C. W., "Original Elements in Cicero's Ideal Constitution" in *American Journal of Philology*, vol. xlii (1921) 309–23; Cauer, F., *Ciceros politisches Denken* (Berlin 1903); Meyer, Eduard, *Caesars Monarchie und das Principat des Pompejus* (3rd ed. Stuttgart 1922); Petersson, Torsten, *Cicero, a Biography* (Berkeley 1920).

CIESZKOWSKI, AUGUST, COUNT (1814–94), Polish philosopher, economist and social reformer. Cieszkowski, who was the son of a wealthy landowner, graduated from Heidelberg in the faculty of philosophy in 1838, lived for several years in Russian Poland and France and in 1847 settled on his estate near Posen. There he organized the short lived Polish League, the central national organization for Prussian Poland, and for thirteen years (1848–61) was a member of the Prussian Diet and leader of its Polish Deputies Club.

The key to Cieszkowski's many sided activities is his *Ojcze nasz* (Our Father), a system of philosophy of history which, aiming to reconcile revelation and natural law, detects in the Lord's Prayer an intimation of historical development in accordance with Hegelian dialectics. Cieszkowski believed that the history of humanity displays a gradual growth of solidarity and an increasingly closer approach to God. History is divided accordingly into three periods: the epoch of physical being, or the pre-Christian era; the epoch of thought, which will end with the coming of the Holy Spirit; and the epoch of solidarity, of human brotherhood, the Kingdom of God on earth, for which mankind is being prepared at present by a process of gradual change. This process, in which the Slavic nations, particularly the Polish, will take the leading role, may be accelerated by the adoption of far reaching social and economic reforms based on three general principles: general assurance to each individual of that which he already possesses; general guaranty to each individual of that which he ought to possess, e.g. the standard minimum; general association making it possible for each individual to attain that which he may possess. When the epoch of solidarity is inaugurated, social life will be thoroughly imbued with the spirit of religion and will be identical with the worship of God. All nations will enjoy freedom and self-government and will be united into a universal church managed by the universal government, which will be administered by the highest priest, the universal parliament of mankind and the universal areopagus of nations. The economic organization in this era will be based on the principle of universal association.

In *Ojcze nasz* and other works Cieszkowski specified more concretely the reforms which would accord with his general historical ideas. Influenced as he was by German philosophers, particularly Hegel and Fichte, and by French utopian socialists such as Saint-Simon and Fourier, he could scarcely advocate abolition of private property and thoroughgoing government regulation. Instead he proposed that the government be guided by the principle *aidez à faire et développez*. In respect to agriculture this principle would involve government promotion of credit cooperation and the establishment of public registration of land titles. In forestry, mining and railway transportation the government should compete with private undertakings in order to safeguard social interests. In public finance the chief reliance for revenue should be placed on the taxation of incomes, among which incomes derived from property should carry a relatively heavier burden.

In his principal economic work, *Du crédit et de la circulation*, Cieszkowski outlined a plan for a new currency system based upon his novel definition of credit. He considered credit not as an anticipation of the future but as "a metamorphosis of fixed and invested capital into circulating and liquid capital." State property is a capital which can be mobilized through a credit operation, the issue of interest bearing *billets à rente* protected by mortgages on land owned by the central government and the municipalities. The *billets* will be much superior to the usual form of currency. Both metallic and redeemable paper money are subject to fluctuation in value and tend to depreciate progressively; but the chief objection to them is that their quantity bears no rational proportion to the values existing in the national economy. He assumed that the *billets* would be free from these faults, but had no opportunity of testing his ideas by experience.

Franciszek Bujak

Important works: *Ojcze nasz*, 3 vols., written in 1833–36, revised and enlarged 1837–48; the first version of vol. i appeared as *Prolegomena zur Historiosophie* (Berlin 1838, reprinted 1908), and the enlarged version was published in 1848 (Paris, 2nd ed. Posen 1871, French translation Paris 1906); the preface to the work appeared as *O drogach ducha* (On the ways of the spirit) (Posen 1869); vols. ii–iii first published by Cieszkowski's son (Posen 1899–1903); the entire work was republished in 3 vols. (Posen 1922–23), abridged translation by W. J. Rose as *The Desire of All Nations* (London 1919). *Du crédit et de la circulation* (Paris 1839, 3rd ed. 1883); *De la pairie et de l'aristocratie moderne* (Paris 1844, reprinted 1908).

CINO DA PISTOIA (*c.* 1270–*c.* 1337), Italian jurist. Cino, or Cinus, was a poet and friend of Dante, whose Ghibelline enthusiam he shared. He belongs to the school of commentators or post-glossators. After studies at Bologna and in France and teaching at Bologna, his career for some twenty years was that of a practitioner without any settled abode, but from 1321 on he occupied various university chairs in Italy. His opinions (*consilia*), only a few of which are now known, were highly prized. His lasting influence is due to his *Lectura in codicem* (1312–14, best edition Frankfort 1578). This begins the blending of pure Roman law, at that time dominant through the Accursian Gloss in the schools and in literature, with local statutes and customary and canon law, a task for which Cinus had unrivaled qualifications. By borrowing the developed scholastic method of deduction from the school of French legists (especially Pierre de Belleperche, d. 1308) he was able to go beyond the Gloss and to combine the Roman texts with practical law, thus initiating, by a development comparable to and contemporary with that of a common Italian language and literature, the *usus modernus Pandectarum* as the common law of Italy. Despite his marked anti-ecclesiastical bias he appreciated the equity of canon law, and although he was imperialistic he recognized the claims of local law. In his hands and in those of his successors (notably Bartolus, his pupil) the scholastic method coordinated these diverse materials under the rule of *ratio juris*. He is thus one of the founders of modern jurisprudence.

F. DE ZULUETA

Consult: Monti, G. M., *Cino da Pistoia giurista* (Città di Castello 1924), containing bibliography to date; Biscaro, G., "Cino da Pistoia e Dante" in *Studi medievali*, n.s., vol. i (1928) 492–99.

CITIZENSHIP. From the beginnings of society to the present time all forms of citizenship may be said to have had certain common attributes. As distinct from aliens, serfs, women and children or other members of the community who are passive subjects rather than active partners, citizens enjoy a certain reciprocity of rights against, and duties toward, the community. This balancing of rights and duties explains the fact that everywhere the personal concept of citizenship preceded the development of the territorial concept which, with the rise of the modern nation state, has come to prevail in international law. The ancient Roman notion of *civis* and *civitas*, from which the later concepts of citizenship derive their content as well as their nomenclature (*citoyen*, *cittadino*, *ciudadano*), was originally founded not on domicile but on personality; it was only later that the well known process culminating in the *Constitutio antoniniana* of 212 A.D. extended this personal right of citizenship to the whole area of the empire. The slow building up of the modern rights of citizenship after the renaissance of towns and cities among the Romanic and Germanic nations represents a closely analogous process. In the status of the citizen from the Middle Ages through the first half of the nineteenth century the elements of enhanced protection and freedom from feudal interference are balanced by the invariable presupposition that this status is ordinarily limited at most to a small—in the case of the English "close" boroughs, unusually small—number of landlords and householders (*Realbürger*) who share the exclusive enjoyment of economic advantages and the exclusive responsibility for the political management of the community.

The modern concept of citizenship, as inherited by the territorial and national state from the ancient and mediaeval municipality, represents a combination of two elements. One of them is the notion of liberty derived from ancient moral philosophy and mediaeval rights of personal status, while the other is the concept of membership in a political unit, involving cooperation in public decisions as a right and sharing of public burdens, chiefly military service and taxation, as a duty. Each of these components represents in its turn an extensive network of varying elements. Thus the concept of liberty has on the one hand a distinctly abstract and cosmopolitan aspect, traceable in the mutations of this concept from its origins in ancient stoic philosophy through the teachings of the Christian church to the eighteenth century secular doctrines of the "rights of man," which formed a part of the modern "law of nature." On the other hand liberty in occidental law and politics is frequently traced to peculiar national traditions, such as the birthrights of Englishmen, Franks or other mediaeval peoples, which are obviously historical recollections of the age of tribal law and its personal concept of citizenship. Even today the inextricable connection between these two derivations plays a considerable part in the controversies of constitutional lawyers as to whether the "fundamental rights" inserted into many European constitutions after the model of the Virginia Bill of Rights of 1776 are to be construed as rights of men generally or only as rights of citizens of the respective states.

As shown by the terminology of common and international law, another important source of citizenship is the allegiance of a vassal seeking the protection of a feudal lord. It is indicative of the strong feudal influence on English constitutional law that the establishment of the sovereignty of the modern state over its subjects as against that of the church was effected by means of the Elizabethan Oath of Allegiance and Supremacy. It is to be noted, however, that from the later Middle Ages onward the special duties of feudal allegiance were inseparably blended with the general duties of subjection to public rulers and governments. The factual content of liberties and duties was of course determined by a variety of historical circumstances. The rise of a new economic order of capitalistic enterprise and free markets created the need for a more energetic protection—to a considerable extent against government itself—of the citizens' lives, activities and property. Conversely, the victory of the nation state over its feudal and ecclesiastical rivals conditioned the increasing expansion of duties of citizenship through the appearance of new modes of government interference with the freedom of the citizen. The leading Anglo-Saxon countries succeeded almost entirely in replacing older, more concrete duties of citizenship, including above all military service, by the abstract "cash nexus" of taxation, but on the continent the great movements of liberation down to the French Revolution produced a revival of extensive imposition of compulsory service. As distinct from both the Anglo-Saxon and the Romanic states the German territorial states have proceeded, under the influence of Lutheran ideas, to enact compulsory education as an additional duty of citizenship; this is perhaps one of the most profound reasons for the peculiar emphasis which German political thought has since then placed upon the intuitive perception of the state as a reality. In the United States the concept of citizenship has been materially affected by the unwillingness of the politicians, who in the Declaration of Independence had mentioned "life, liberty, and the pursuit of happiness" as instances of the "inalienable rights," to place these and other fundamental rights under express protection in the later constitution; and this failure has strengthened still more the supremacy of the courts as final interpreters of the constitution.

The stage which the development of citizenship has reached within the past hundred years is marked by two conflicting trends. The first is an increasing welding of the manifold allegiances of the mediaeval man into a single but comprehensive bond of national citizenship. This integration is effected not only through the multiplication of the claims which the state makes upon the individual but also through the opposite process of reviving the rights of the individual to participation—primarily as voter, elector and representative—in democratic forms of government. The second trend is the continuous extension of intercourse between the citizens of different states and between the states themselves at international law. Even the main lines of this development are far from being clear cut and fixed. The dominance of England and the mediaeval structure of its law account for the all embracing character of its claims to the allegiance of its subjects, whether their citizenship be of territorial or of personal origin (*jus soli* and *jus sanguinis*). Citizenship arising from naturalization, a third and artificial source, for a long time failed, despite its growing importance resulting from an increase in international migrations, to obtain full recognition in English practise. Such recognition was denied not only in cases where it would have been to the disadvantage of England, as in forfeiture of British nationality through the adoption of a foreign citizenship (first recognized in the Naturalization Act of 1870, 33/34 Vict. c. 14), but also where it would have been to her advantage, as in the protection of naturalized British subjects against foreign compulsion to military service. The United States, as a refuge for the oppressed of the older European nations, provided in contrast to the English rigidity one of the first examples of a liberal and inclusive, but none the less careful, procedure of naturalization, enforcing through the famous Bancroft treaties (1868) protection of its naturalized citizens even against the great military powers of Europe. It is true, however, that the quality of indelibility characterizing the older English citizenships appears also in the old American as well as in the old Russian and present day Swiss law. With regard to the international law of citizenship as a whole, it may be said that much time will be required before even the worst and most frequent conflicts between the interests of the states and those of their individual citizens can be abolished by bilateral or multilateral agreements. The conflicts arising from obligation to military service have lost at least some of their importance, and those connected with taxation are being regulated more and more by treaties as to the avoidance of "double taxation." In the case of taxation, however, the shift in business organization from the personal to the corporate form and the attending international interlocking of business have replaced old difficulties with new; here also the general method of solution appears to be the gradual recognition of residence (seat of head office) as the principle determining allegiance. But new problems are turning up incessantly. Just as the German Nationality Law of 1913 attempted to eliminate the possibility of tacit expatriation through long uninterrupted residence abroad, so recent legislation in the United States and in some European countries has made it impossible for women to lose nationality through foreign marriage. Of the two classic border cases in the conflict of national citizenship laws, the overlapping of nationalities in dual citizens (*sujets mixtes*) and the existence of "stateless" or "apolides," the former is being rapidly done away with through the growing exactitude of municipal and international law. The latter, however, seems to be gaining in acuteness not only because of the great changes made by the World War in the political map of Europe but also because of the intensification in the restrictive character of nationality laws. Moreover the artificial acquisition of citizenship through naturalization, apparently the logical concomitant of modern international intercourse, is already beginning to come under the sway of racial and other factors tending toward restriction of international migration; in this aspect also there can be no question of steady progress.

Separate mention should be made of citizenship in states with a federal form of government. In these states there may be observed a clearly marked trend toward the extension and unification of citizenship. In the United States the theoretical distinction between the citizenship of the state and that of the union has lost almost all of its practical importance. In the British Empire the Nationality Act of 1914 has theoretically unified the law of citizenship, but practically the former separate citizenship of the dominions has continued to assert itself even in questions of major importance, such as the exemption of residents in the dominions from compulsory service in the World War or the dominion restrictions of colored immigration. The new German republic also carried over from its predecessor the tradition of giving some measure of precedence to the citizenship of the states compared to that of the federation. It is quite likely that a future international confederation, which seems to be foreshadowed by the League of Nations, will also give rise to more far reaching constructions of citizenship. In this connection it is interesting to note the suggestion made by the Argentinean, J. C. Garay, that labor citizenship (*jus laboris*), not involving the loss of original nationality, be granted immigrants who have established themselves in the new country. This recommendation is paralleled by at least two groups of facts in the recent law of citizenship: the extension of the Russian franchise to alien workmen residing in the country (Order of the Central Executive Committee of Soviets, October 29, 1924) and the attempts of Fascist Italy to retain control of emigrants to South America.

The modern terminology of citizenship has not followed the distinction drawn by Rousseau between the "subject" as the passive, and the "citizen" as the active, member of the political community. The reason perhaps is that there has been no sharp differentiation in the underlying development; on the contrary, it has been marked by an ever accelerated increase of citizens and a corresponding decrease of subjects, chiefly through the extension of the franchise to ever larger groups. The concept of citizenship has thus come to be closely associated with the rise of modern democracy. Similarly, the various forms which citizenship has assumed in different countries or in different periods were obviously dependent upon the degree of participation of the average citizen in the processes of government. While the general course of development has exhibited an increase in the active collaboration of the mass of citizens in public affairs it must not be inferred that such a tendency is necessarily indicative of a rise in political standards; on the contrary, it may often lead to new forms of corruption and oppression and produce a condition similar to the ancient Greek ochlocracy. Moreover it may be accompanied by the loss of such advantages, inherent in every division of social labor, as are likely to accrue from the existence of clearly differentiated groups of specialized public officials and professional politicians. The recent reappearance of government by minority in many parts of Europe, reversing the long struggle of minorities for a better recognition in the traditional systems of representative majority rule, is worthy of note in this connection because such minority government frequently lays claim to creating a more intense and responsible consciousness of citizenship than the majority rule of mass constituencies. This contrast may be reduced in the last analysis to a diametric opposition between two views as to the essential quality of that relationship between the individual and the community which constitutes citizenship. The majority rule relies on rational processes of education and discussion leading to the adoption of a set of rational political and moral ideals; from this point of view a minority appears as a still unconvinced, but potentially conformable, part of the "general will" of the community. Minority rule, on the other hand, stresses the irrational and emotional elements of national and racial cohesion and considers the ruling minority to be either a more or less transitory or a permanent nucleus for the instilling of an emotional conformity.

It does not necessarily follow that the democratic ideals of government by express general consent do not carry within them a strong sentimental appeal. On the contrary, modern democracy has been in many cases, particularly during its struggles with the preceding absolutist governments, distinguished by the passion of its tenets and by its half religious, half poetical symbols. The fighting instinct, inseparable from deep emotions and strong convictions, may serve not only to lead the community as a whole, regardless of internal strife and injustice, against other communities, but also to inspire a group or class inside the community with determination to effect a redistribution of social or political power. The first case is that of old and new systems of minority rule, characterized by internal rigidity and external aggressiveness, while the second is descriptive of many systems of majority rule characterized by a combination of internal flexibility and external pacifism.

The contrast between the rational appeal of majority rule and the emotional appeal of government by minority is seldom clearly evidenced. Modern parliamentary democracy, as found among the leading nations, is far from relying exclusively or even primarily on the methods of rational education for citizenship which might seem sufficient or best to promote civic adaptation in a progressive nation and in a pacifically stable community of nations. Not in vain did the French Revolution imitate in its political forms and ceremonial what it considered to have been the symbolical expressions of public spirited Greek and Roman citizenship. And at present communities like the democratic United States, Communist Russia and Fascist Italy, despite all their deep contrasts of political structure and ideology, present on the surface so many similarities because each of these communities is, in comparison to other nations, so strongly bent upon utilizing the whole range of civic appeals for the purpose of solving its particular problems of national cohesion. American democracy has developed, in addition to the latest experiments in training school children and adults in political and social thinking, a highly diversified and often romantic cult of nationality, while the minority governments of Russia and Italy are spreading the gospel of Lenin and Mussolini by means of the most refined and mechanized technique of press, cinema and radio propaganda.

CARL BRINKMANN

See: STATE; AUTOCRACY; DEMOCRACY; FEDERATION; ALLEGIANCE; OBEDIENCE, POLITICAL; CIVIL RIGHTS; CIVIC EDUCATION; PATRIOTISM; NATIONALISM; MINORITIES, NATIONAL; ALIEN; NATURALIZATION; EXPATRIATION; NATIONALITY; DIPLOMATIC PROTECTION.

Consult: Brinkmann, Carl, *Recent Theories of Citizenship in Its Relation to Government* (New Haven 1927); Hadow, W. H., *Citizenship* (Oxford 1923); Vinogradoff, Paul, "Rights of Status in Modern Law" in *Collected Papers*, 2 vols. (Oxford 1928) vol. ii, p. 230–38; Audinet, Eugene, "Le 'Jus laboris' et la citoyenneté automatique des étrangers" in *Revue algérienne, tunisienne et marocaine de législation et de jurisprudence*, vol. xliii (1927) pt. i, 73–77; Leibholz, G., "Staatsangehörigkeit und Naturalisation" in *Wörterbuch des Völkerrechts und der Diplomatie*, 3 vols. (Leipsic 1924–29) vol. ii, p. 588–95; Gmelin, Hans, "Staatsangehörigkeit" in *Handwörterbuch der Rechtswissenschaft*, ed. by Fritz Stier-Somlo and Alexander Elster, 6 vols. (Berlin 1926–29) vol. v, p. 612–19.

CITY. In all ages and areas, from ancient Egypt to modern America, the highest development of human mentality, initiative and achievement has been in urban communities. So long as men remained in the pastoral or agricultural stages there was little stimulus to the differentiation of economic functions; the entire energies of men were absorbed in the task of raising the food supply. But with the city came the division of labor and possibilities for economic surplus, hence wealth, leisure, education, intellectual advance and the development of the arts and sciences.

It is probable that the earliest great cities made their appearance in the valley of the Nile. The earliest city of which we have any definite record is Memphis, the capital of Egypt under the Old Empire, which came to its close about 2500 B.C. Memphis was a walled city situated on the left bank of the Nile about twelve miles south of the present Cairo. With the fall of the Old Empire a new capital was established at Thebes, which is mentioned in the Iliad as a city of a hundred gates. Meanwhile other considerable cities developed in the valleys of the Tigris and Euphrates, more particularly Nineveh and Babylon. Babylon was probably the larger of these two communities and undoubtedly the largest of ancient cities prior to the rise of Rome. It was destroyed by the Medes and Persians in 538 B.C.

During the next ten centuries the city life of the ancient world followed the shores of the Mediterranean and the Aegean. Tyre and Sidon, the seaports of Phoenicia, were perhaps the earliest examples of commercial cities, depending for their prosperity on sea-borne commerce. One of their colonies, Carthage, ultimately outgrew the mother cities in size and at her zenith probably had a population of over three hundred thousand. Carthage was the great hive of industry and trade; her people excelled in making goods which were exchanged for raw products, but apparently they had neither time nor taste for developing cultural activities.

Then arose the cities of Greece, which were city-states or self-governed communities, each the center of a vigorous political life. Athens, Corinth, Sparta, Syracuse and Miletus were not mere palace cities or trading centers or holy places or citadels of defense; they were urban communities in the modern sense, with a high degree of economic vitality. The geography of the Greek peninsula fostered the growth of independent cities, hence most of the free population of Greece lived within the city walls. This does not mean, however, that the people of these communities were chiefly engaged in industry and trade. Large numbers of them owned land outside the city walls and cultivated it mostly by means of slave labor. Athens was of course the largest among Hellenic cities and contributed more to the progress of civilization than all the others combined. As the city grew it divided itself into two parts, Athens proper, which surrounded the Acropolis, and the port or harbor town four or five miles away, the two being connected by a road which ran between long defensive walls. Together the entire community had a population of perhaps a hundred and fifty thousand. Syracuse came next with an estimated population of something over a hundred thousand. Corinth was slightly smaller and Sparta appears to have had not more than fifty thousand. When Alexander the Great proceeded to Asia he took with him the best features of Greek municipal civilization. Greek cities were founded everywhere within the conquered areas, particularly in regions where urban life had hitherto been lacking. Seleucus also established many Greek cities in the East, especially in the region between the Euphrates and the sea. In a word the Greeks demonstrated that what Aristotle called "a common life for a noble end" could be better lived in a city than anywhere else.

Finally, among great ancient cities, there was Rome. Rome as a city was scarcely less wonderful than Rome as an empire. She was the largest and best governed municipality that the world possessed at any time during the first fifteen Christian centuries. Geographically the place had few natural advantages, being twenty miles away from the sea, with no mineral resources near at hand and no large expanse of fertile territory within easy reach. Nevertheless, through the extraordinary courage and virility of her people, Rome developed from a small city to a world dominion. First of all, various small settlements were combined into a unified community; then alliances were made with tribes which inhabited the Italian peninsula; these alliances paved the way to subjugation; finally the power of Rome made itself dominant, chiefly by means of conquest, through the whole Mediterranean region and indeed over a large part of western Europe. This expansion of Roman power, which resulted in enormous payments of tribute to the capital city, had its natural reaction upon the city's prosperity, making it in time a great metropolis. Rome's maximum population is not accurately known, for curiously enough no census of all the people was ever taken. At regular intervals a census of Roman citizens was compiled, but large portions of the population did not possess the privilege of citizenship. Likewise there was a count of houses but not of their occupants. Estimates for the first Christian century vary from 800,000 to 1,200,000 people; it is probably safe to say that Rome at her zenith contained not far from a million people, which made her by far the largest city of antiquity; and although her population dwindled to less than a half million in the fourth Christian century she was still the world's largest urban community. From that time on, however, Rome steadily declined and in 1377 a census disclosed a straggling town of only 17,000.

Ancient Rome was badly congested, probably more so than any city of modern Europe. Most of the people lived in tenements often four or five stories high. The lack of efficient public sanitation must have made the overcrowding more irksome to everybody, but fortunately the habits of the people led them to spend the greater portion of their time out of doors. In spite of the congestion, however, Rome was a well administered city and achieved a remarkable development in the way of public utilities. Some of the streets were paved; there was an adequate water supply drawn from mountain springs and reservoirs; there were great sewers which emptied into the Tiber. Rome, moreover, was famous for its public baths, of which there were many hundreds, most of them free to the people. In the reign of Augustus an elaborately organized system of police and fire protection was established, with a prefect at its head.

It was in the art of government, in the framing and enforcement of laws and in the technique of public administration that Rome contributed most to world progress. Some of these contributions endure to the present day. Half the world in the twentieth century is governed by codes of law which preserve the fundamental principles of Roman jurisprudence. It was in Rome, moreover, that the concept of a municipal corporation first evolved. The Romans developed in a large way the legal ideal that a body of men might be clothed with a corporate personality and thus become an artificial person. This idea they applied to their provincial cities, the hundreds of small cities scattered throughout the Roman Empire, which became municipal corporations with a right to hold property.

The centuries following the collapse of Roman power demonstrated to the world what happens to civilization when city life breaks down. The tribes from the north and east which overran the imperial territories knew nothing of urban amenities and were averse to urban restriction and confinement. So the centers of population which had developed a vigorous municipal life in Roman times were pillaged and oppressed. Many of them dwindled into small villages and some disappeared altogether. London, for example, was a place of extensive commerce in the time of Tacitus, but within fifty years after the Romans evacuated Britain the metropolis on the Thames was a heap of ruins, its people scattered, its trade gone and even its streets blotted out. The economic collapse was so complete that it cut all the arteries of commerce. Rome had built up a great system of roads and communications which now went to pieces, and the cities found their chief source of support taken away.

On the continent of Europe many cities owed their immunity from destruction to the intervention of the Christian church. Being the seats of bishoprics they were protected. The invading tribes respected the church when they showed little respect for anything else that was Roman. Everywhere else, during the period from the fifth to the tenth century, the cities of western Europe declined in population, in importance, in trade, in security and in the provision which they made for the comfort and convenience of their citizens. During this period no European city made any substantial progress. Each lived to itself, supplied its own needs as best it could and had almost no intercourse, either economic or cultural, with its neighbors. They were lacking in the two prime essentials of city growth, security against disorder and an economic base from which to draw sustenance.

Beginning with the eleventh century, however, city life showed signs of reviving. These indications appeared first of all in the cities along the shores of the Mediterranean, where the opportunities for the revival of trade were greatest. The crusades, when they came, gave new impetus to the trade of these centers by stimulating intercourse between East and West. Florence, Venice, Genoa, Pisa and the other Italian cities took advantage of the opportunity to develop important industries, the products of which they marketed in the coast towns of the Near East. A similar revival of municipal life took place in the northwestern portions of Europe, especially in the towns along the Baltic and the North Sea and in the Rhine region. These cities, banding themselves together for mutual aid and protection, became members of the Hanseatic League and by their mutual efforts promoted a revival of trade. Throughout central Europe the renaissance of the cities was not so rapid, but in England the towns achieved considerable growth during the latter part of the Middle Ages and began to play a much larger part in the national life.

This urban revival continued in all parts of Europe throughout the sixteenth, seventeenth and eighteenth centuries, although it was seriously interrupted from time to time by commotions in the city-states of the Italian peninsula, the religious wars in France and such conflicts as the Thirty Years' War in Germany. Meanwhile the discovery of America and of a new all-water route to the Far East gave a marked impetus to all the cities along the western seaboard from the Straits of Gibralter to the Baltic. Great progress toward urbanization was made during those three centuries in Spain, Holland and England. But it was not until the industrial revolution that the cities really came into their day. The utilization of steam power vastly intensified the drift of population into the cities. In England, for example, only ten or fifteen percent of the entire population was concentrated in cities of ten thousand or more when the industrial revolution began. By the beginning of the nineteenth century this ratio had increased to more than twenty percent and at the end of the nineteenth century it had nearly quadrupled. In the United States at the beginning of the nineteenth century only four percent of the population lived in cities of more than eight thousand. The census of 1930 will probably show a percentage more than ten times as large. The ancient world was one of cities; the modern world is rapidly becoming so.

In early centuries most cities owed both their original location and subsequent growth to considerations of defense. In later centuries London, Paris, Berlin, Vienna, Madrid and Washington have owed much of their growth to political factors, but for the future neither defense nor politics is likely to play much part in the location and growth of great communities. Among the ten largest cities of the world today there is not a single one that owes its location to a defensible position and only three are political capitals. Trade and industry are the determining factors in the growth of the twentieth century municipality. This is true of city growth in the Orient as well as in Europe and America. The expansion of urban life in Japan, for example, has kept pace with the industrialization of that country. In China and in India the growth of cities has been less rapid than in the West except in the case of those which are located on navigable waters and depend for their prosperity upon the promotion of trade. This is because the industrial organization of the Orient, save in the case of Japan, continues to be for the most part as it was in Europe before the industrial revolution. Each urban community is a relatively autonomous economic unit, supplying its own industrial products and those of the rural areas immediately surrounding, but carrying on little interchange of products with other cities.

In all parts of the world, therefore, cities depend for their expansion on the progress of agriculture, industry and commerce. It may sound paradoxical to say that agricultural advancement is a factor in urban growth, but better agricultural machinery and methods are steadily releasing farm labor from the land and thus promoting migration to the city. It is estimated that by reason of these improvements in agricultural machinery and methods about ten percent of the farm labor in Europe and more than fifteen percent in the United States has been divorced from the soil during the last twenty-five years. It is to be remembered, moreover, that every day's work on the farm gives employment to one or more workers in the city. The man who raises wheat or cattle provides work for men in the flour mills and packing plants; indirectly he also affords employment for workers on railroads, in banks and in the various institutions of credit and exchange.

Industry, however, is a much more important factor in city growth. Since the industrial revolution a large part of the world's industrial production has been concentrated in the cities. Factories go to the larger communities, and where the factories go the workers must follow. Probably nine tenths of the drift from the rural districts to the cities is inspired by the quest for profitable employment. The city provides industry with superior transportation facilities, an elastic labor supply and a considerable market for its goods close at hand. New factories go where older establishments of the same nature are already located and subsidiary trades congregate around the main industries. Automobile factories, for example, attract various smaller concerns which make batteries, magnetos, tires, tubes, bodies, cushions and a great variety of automobile accessories. Rapid industrial progress in any great city is the outcome of various forces which operate together—transportation facilities, proximity to raw materials, an abundant and flexible labor supply and nearness to a large market.

Commerce is also an important element in urban growth, more important than most people realize. Look at a map of the world and see where the big cities are. With the exception of the national capitals practically all of them are located on navigable waters. That is not a mere coincidence. It proves that facilities for waterborne trade are virtually essential to growth beyond a certain size. The chief reason is to be found in the fact that most great industries desire to bring their raw material by water rather than by rail, inasmuch as water transportation is usually cheaper in the case of materials which are bulky in proportion to their value. Commerce also necessitates the use of credit and secures for the city an expansion of its banking, brokerage and other financial activities.

Agriculture, industry and commerce are thus the primary causative factors in urban growth, but there are secondary causes as well. The city draws heavily upon the leisure class, upon those who have accumulated a competence and desire to be where comfort and luxury prevail. Strangely enough, at the other end of the social scale, most workers and their families prefer to live in large cities despite the higher cost. Educational institutions, historic attractions, climatic conditions and a host of other cumulative allurements have helped to build up certain communities, such as Oxford and Cambridge in England, Florence and Rome in Italy, Miami and Los Angeles in the United States. Every city develops its own individuality; in no two of them are the conditions of urban life and growth exactly alike.

Fundamentally, however, every city is related to what may be called its "economic base," that is, to the source or sources from which it derives the means of livelihood for its people.

As this economic base broadens the city grows and acquires strength; but if by any mishap the base narrows the community stops growing and may even lose ground. Thus we have seen some cities come into existence as the result of a mining or oil boom and thrive mightily for a time on this slender economic base, but with the exhaustion of the oil wells or metal mines they have become blighted almost overnight. Cities, like men, must have steady nourishment.

Thus, beginning with the simplest municipal organisms and passing to the more complex, it is possible to make a general classification of cities according to their economic base. First, there is the community which depends upon a single source of livelihood, for example the large provincial town which serves merely as a local distributing center, gathering up agricultural products and distributing manufactured goods in return. It is not a place of production but of local distribution. Thousands of cities throughout the world fall into this category. They can never become large communities because their economic base is not broad enough.

Second, there is the city which has become or is becoming industrialized. To the function of providing a local point of distribution it adds the role of a producer on its own account. Industrial cities fall into two subdivisions: those which concentrate for the most part upon a single industry and those which have industrial diversification. Essen, in Germany, provides a good example of a one-industry city. Manchester, Sheffield and Leeds in England are of the same general character, although not completely so. Detroit, Gary, Grand Rapids, Fall River and Troy in the United States are heavily dependent upon industries of a single type. On the other hand, a much larger number of industrialized cities have developed on a multiple basis with numerous and diversified manufacturing establishments. Broadly viewed a diversified industrial base is the more secure and better stabilized.

In this connection mention should be made of what has come to be known as the satellite city. Land in the downtown industrial areas of great cities has become so expensive that the factories are drifting to the outskirts where they can obtain all the advantages of a metropolitan location while avoiding the disadvantages of costly sites, high taxes and inadequate room for expansion. These satellite cities usually begin with the establishment of a single industry; then others, usually of the same type, are attracted and ultimately the place becomes a full sized town with houses for the workmen, stores and places of amusement. A few decades ago the usual expansion of the city was by the creation of new residential suburbs; now we are creating industrial suburbs as well.

Third, there is the city which combines commerce with industry. There is, of course, a close relationship between industrial and commercial expansion. No large city can produce its own raw materials or market all its industrial products locally. It must build up commerce, by artificial stimulation if need be. This further broadening of the city's economic groundwork is of great importance in promoting urban growth. When any city, in addition to being a distribution point for a prosperous territory, adds a few great industries, or a number of smaller diversified industries, together with commercial opportunities, it can have legitimate aspirations to an ultimate population of several hundred thousand. It has been found by statisticians that if one takes such figures as the value of manufactured products in any large city, the car loadings, the harbor tonnage, the bank clearings and the building permits, one can work out a fairly correct estimate of the population.

Finally there is the metropolitan city; in other words, the community that dominates a whole great region and becomes a planet around which various residential and industrial satellites revolve. Smaller communities within the metropolitan orbit have their own specialties, but they distribute through the metropolis for the most part and the agencies which manage the exchange and credit facilities of the whole group are there. Size alone does not make a metropolitan city. There must be a hinterland in economic tutelage to it. Richmond is smaller than Providence, for example, yet Richmond can properly be termed the metropolitan city of its region, which Providence cannot. The economic growth of a metropolitan city usually outruns its political organization. Industrially the whole place is a unit, but politically it often remains a mere aggregation of cities, towns, communes or boroughs. Hence it is in metropolitan cities that the most difficult problems of municipal administration are encountered.

In short, the modern city is an endlessly complicated phenomenon. It is sometimes defined as "a large body of people living in a relatively small area"; but this definition is altogether inadequate. It conveys no intimation of the fact that the city has a peculiar social structure, a specialized governmental organization, a unique legal status and a highly intricate economic life. A comprehensive definition of the modern city must indicate that it is a social, political, legal and economic unit all rolled into one. It is a concentrated body of population possessing some significant social characteristics, chartered as a municipal corporation, having its own system of local government, carrying on multifarious economic enterprises and pursuing an elaborate program of social adjustment and amelioration.

The significant social characteristics of an urban community can be disclosed by taking as one unit the individuals who constitute the population of any large city and comparing this with another unit made up of an equal number of individuals drawn at random from the rural areas of the same region. The two units will show very marked differences at all points where their respective social characteristics can be statistically compared. They differ in the numerical proportion of the sexes, the city as a rule having an excess of females. They differ in the distribution of their respective populations according to age, the city being stronger in persons of the productive age, that is between twenty and sixty. They differ likewise in the variety and nature of their occupations, their respective birth rates and death rates, the average earning power of individuals, in the proportion of the propertied to the non-propertied classes, in the relative prevalence of illiteracy, pauperism and crime, in the strength of the illiterate element and in their tendency to radicalism of thought.

Compared from any single point of view these differences are not of much consequence, but taken together the variations show a dissimilarity that is both great and important. Everywhere, in all countries, both the individual psychology and the mass psychology of the urban dweller can readily be differentiated from that of the scattered thousands who dwell upon the land. The city is a place where people live in physical proximity but at a social distance. In the rural areas this situation is reversed. Physical distance does not prevent social proximity. The bigger the city the more unsocial it becomes. Between the East Side and the West End of a metropolis there is greater social distance than almost anywhere else on earth.

The city has more wealth than the country, more skill, more erudition within its bounds, more initiative, more philanthropy, more science, more divorces, more aliens, more births and deaths, more accidents, more rich, more poor, more wise men and more fools. It is characteristic of city life that all sorts of people meet and mingle without in the least understanding one another. The industrial disputes, so frequent in all large industrial communities, testify to this lack of understanding. The slums and fine residential areas may be separated by only a few hundred yards geographically, but by thousands of miles in point of view, aspirations and conditions of life.

This social disintegration, this complete absence of psychological homogeneity, is what burdens the city with many of its most difficult problems. It makes virtually impossible the securing of a consensus on any project or program of civic betterment. What the business interests propose is usually viewed with suspicion by the industrial workers. Intelligentsia and middle class, politicians and reformers, stand-patters and go-getters pull apart in the city, not together. Unified social leadership becomes next to impossible and group leadership takes its place. The city dwellers think in groups; they become strongly group conscious; hence many of the community's social problems have to be handled by makeshift and compromise rather than by vigorous, unified, constructive effort.

Moreover the city is a unit of government, an agency used by the nation or the state for the better government of the people who live within its bounds. Everywhere the city is the creature of the higher authorities, holding a delegated power to perform certain governmental functions on their behalf and for the sole reason that such functions can be more conveniently performed by the municipality than by the higher government itself. Usually this devolution of power is embodied in the city's charter, but it may be by general municipal code, as in the countries of continental Europe.

In order to carry on the work thus delegated to it the city is provided with a frame of government. It has both legislative and executive organs of government and usually a variety of administrative boards and appointive officials as well; likewise a large number of subordinate employees. The methods of election, powers and duties of these various officials are prescribed by the city charter or by the general statutes. In European countries the devolution of power is by general grant; in the United States it is usually specific, point by point, with safeguards to prevent any excess or misuse of power by the city. In Europe as a corollary the control exercised over the city by the higher authorities is administrative control, while in America it is chiefly legislative in character.

In the cities of the Orient there has been much slower progress in the delegation of authority from the national and state governments. The municipalities have been held under the close supervision of the higher powers and this has retarded the development of local democracy. But it has not stood in the way of municipal self-consciousness, which is as strongly developed in the East as in the West, perhaps more so. Japan has copied, without essential change, the French system of centralized control over her cities through prefectures and a ministry of the interior. In China the government of the city differs considerably from province to province but in no case is it, under normal conditions, much more than a subdivision of the provincial administration. Both in a political and in an economic sense, however, the oriental city plays a large part in the national life. It supplies most of the leaders and is the starting point for virtually all movements in the direction of liberalism. In their political methods the cities of the Orient are more responsive to Western influences than are the rural areas.

To a larger extent in Europe and America than in Eastern countries the city is an agency of economic enterprise. It is engaged in work which is by no means governmental in its nature. It is a purveyor of water (and sometimes of gas, electricity and transportation), an employer of labor, a purchaser of supplies and material, a seller of service. A large part of what the modern city does is business not government. It consists in furnishing services which would be provided by private enterprise were it not for the fact that the municipality has seen fit to assume the task. It is a self-evident proposition that these economic functions ought to be performed in strict compliance with business principles, but usually this is not wholly practicable because the work is vested in the hands of officials who are under the continuous pressure of political influence. Much of the friction in city government arises from the conflict of economic and political considerations. Efficiency and economy are sacrificed to politics and patronage.

Through other channels, moreover, the city comes into contact with economic enterprises and organizations which it does not directly control. It is concerned not only with its own municipal water service but with the supervision or regulation of privately owned utilities, such as street railways, bus lines and telephone companies operating under municipal franchises. It has dealings with banks and other financial institutions, for it is a collector, depositor, spender and borrower of money. It enters into relations with contractors and sellers for work and supplies of many sorts in street construction and public buildings; likewise for coal, oil, fire apparatus and so forth. It regulates by ordinance a long list of trades and vocations. It grants permits for the erection of privately owned buildings, for the storage of explosives and other dangerous merchandise and for the placing of signs on or over the streets. All in all, the city, through its government, plays a considerable part in the economic life of the community.

The city is also a corporation at law, a "municipal corporation," as it is usually called. It is invested with an artificial personality, may sue and be sued, own property, make contracts and do in its corporate capacity most of the things that an individual or private corporation may do. It employs officers or agents and in some cases must assume legal liability for what these employees may do; in other cases it is immune from such liability. In general it is immune from liability for the torts of its agents or employees when they are engaged in the performance of a strictly governmental function (such as policing, fire protection or education), but as a rule the city becomes liable for the negligence or default of its agents when these are employed in semicommercial civic enterprises such as municipal gas or electric plants. As a municipal corporation, moreover, the city has the power to tax, borrow money and give in pledge the private property of its citizens. It has the right of eminent domain; that is, the right to take private property for public use on payment of just compensation.

Finally, the city is an agent for the promotion of social welfare. Its officers are busy not only in governmental and economic enterprises but in the work of social amelioration as well. The city provides from the public taxes free education, health protection, poor relief and various types of public amusement. Nearly one half the city's annual expenditure in the United States is now devoted to these social welfare undertakings, including public education. These social welfare functions, moreover, are constantly expanding. Year by year the city is trying to do more for its people along lines of education, philanthropy, health protection and social amelioration in general. Neighborhood centers, athletic fields, band concerts, mothers' pensions, community dances—these prefigure a score of social outlays which the municipal treasury is making nowadays. The city has become our premier philanthropist. Responsibilities are steadily being transferred from the home to the school, to the public playground or to the civic center. There is no forecasting where this absorption of new welfare activities will ultimately lead.

In a word, therefore, the modern city is not merely a unit of government but a problem in law, in economics and in sociology. It is a many sided affair. It is a place where material motives fill the minds and govern the acts of men; a place of excessive individualism where neighborhood feeling is almost wholly absent, because neighborhood traditions are hard to stabilize with such an incessant shifting of the population. Easy means of communication tempt the city dweller to find his friends and intimates in several neighborhoods. The city man's friends are not, for the most part, his neighbors. They are persons of his own profession, temperament or tastes who live all over the city, sometimes miles apart. Every occupation in the large cities, even that of the mendicant, tends to become a profession, a highly developed profession. The city dweller leads a life so crowded with impressions that little time is left to him for reflection. These impressions are quickly and easily made, but just as quickly and easily erased, for the city mind craves novelty and is impatient of repetition. Its yearning is always for something new, something strange, something bizarre. Thus the urban mentality is restive, impulsive, intolerant of delay, although it is docile enough in its continued submission to public abuses.

Many of the most difficult problems in the modern city arise from the absence of planning. Large communities have grown by accretion without taking much thought for tomorrow. The result is an intolerable congestion in their downtown areas. Nowadays they are making an attempt to ease this problem by replanning the older sections and building new suburbs in accordance with prearranged plans. City planning fundamentally is an enterprise designed to reduce the friction of space. Its outstanding purpose is that of adjusting activities to areas and resources. Industries buy accessibility just as they buy raw materials and labor. They pay for it in site cost and high taxes. City planning undertakes—by improved methods of transportation, by street widening and by intelligent zoning, as well as by the regulation of traffic—to increase this accessibility without increasing the cost of it. The result is an economic as well as a social gain.

But city planning is not merely a matter of widening streets and creating civic centers. It has legal, social and economic implications as well. It includes within its scope not only architecture and engineering, but law, finances and education. Ordinances often need to be straightened even more urgently than streets. And provision must be made for proper expansion of recreational and educational facilities. Very important also is the planning of ways and means; in other words, planning to use the city's financial resources in such way that all the physical ends may be accomplished without too great a tax burden.

Steam, steel and credit have made the modern city possible. Transportation and storage have made it practicable to keep millions of people supplied with perishable commodities such as meat, vegetables, fruit and milk. Structural steel has made the skyscrapers a possibility. Credit has allowed one generation of citizens to construct and the next generation to pay its share. Rapid transit is centrifugal in its influences; it encourages decentralization in the abodes of the people. But progress in the technique of construction (especially with the aid of structural steel) is centripetal; it encourages the massing together of people in hotels and apartment buildings of massive size. Whether centralizing or decentralizing forces will get the better of the situation depends in part upon the direction which progress in technology will take in the next generation.

The city, in any event, is bound to be a controlling factor in the national life. As the city is, so will the nation be. Its population supplies most of the national leadership. Through its daily press the city dominates public opinion far outside its own bounds. It is stronger in its influence upon political thought than its ratio of population warrants. It sets the fashions—in morals and in manners as in attire. The demeanor of the city is not, therefore, a matter of concern to itself alone. It is of vital concern to all who desire high national aspirations to be established and maintained, for the ideals of a nation are determined by the most influential among the various elements of its population. Being so determined, they are constantly in process of change. Hence the saying that although men may make cities, it is equally true that cities make men. He who makes the city makes the nation, and indeed it is the cities of the future that will determine the character of the world.

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See: CITY-STATE; COMMUNE, MEDIAEVAL; URBANIZATION; MUNICIPAL GOVERNMENT; MUNICIPAL CORPORATION; CITY AND TOWN PLANNING; CIVIC ART; HOUSING; SANITATION; GARDEN CITIES; SUBURBS; METROPOLITAN AREA; REGIONALISM; COUNTY-CITY CONSOLIDATION; COMMUNITY; SOCIETY; CULTURE; CIVILIZATION.

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CITY AND TOWN PLANNING.

City and town planning may be defined as the art of planning the physical development of urban communities with the general object of securing healthy and safe living and working conditions, providing efficient and convenient forms of circulation and advancing the general public welfare. It aims at the preservation of natural beauty as essential to healthy living conditions, and leads to the promotion of beauty in building as a by-product of sound social and economic growth. The art of planning cities and towns has varied both in importance and in the extent of its development as the city has vacillated between positions of comparative supremacy and subordination in the social system. The periods of urban ascendancy have not, however, always paralleled the periods of greatest activity in planning; and it is impossible to trace much, if any, real progression toward perfection of the physical arrangement of the civic structure. Many early examples of the conscious designing of cities have been revealed by historians. Kahun, and Babylon, Asshur and Nineveh in western Asia had interesting plans. Piraeus, Rhodes, Thurii, Selinus and Cyrene were planned cities of the fifth century B.C. While most of these early cities were constructed in the rectangular form, similar to the gridiron plan now prevalent in America, a few were laid out in fan shaped form with diagonal arteries. Priene, Miletus, Alexandria and Pergamum are all important examples of Greek planning; the best known early Italian examples are Marzabotto and Pompeii. As a rule the fundamental feature of these cities was the construction of main streets running north and south and east and west to a forum. Between the second and fourth centuries a number of planned settlements were built for discharged soldiers; Timgad and Carthage originated in this way. In the Far East town planning seems to have been pursued by the Chinese in the twelfth century B.C., the form being similar to that of the earlier Roman plans.

The extension of the Roman Empire resulted in the construction of many planned cities. In England, for instance, Roman influence is visible in the well known rectangular plans of Lincoln, Silchester and Chester. F. J. Haverfield has pointed out that the distinctive gridiron plan was the mark of conscious efforts at the improvement of cities, in contrast to their irregular growth in more barbaric periods. Just as we do today the Romans often leveled uneven land to fit their plans; in many cases, however, they apparently selected appropriate sites to which they fitted their plans. As is well known they made drainage and water supply primary considerations. What would now be called zoning was practised with the object of keeping some industries out of central areas and of controlling building heights. In Rome heights of buildings were limited first to seventy feet by Augustus and later to sixty feet by Trajan and subsequently to twice the street width by Nero. These regulations, however, were frequently disregarded.

The chief characteristic of mediaeval cities was their irregularly shaped places, street lines and widths. Instead of long distant vistas, places and streets were closed in, although as a rule the scales of buildings and streets were adapted to each other. A school of German town planners claims that some of these picturesque towns, several of which remain in a good state of preservation, present evidences of having been planned. It is more likely, however, that there was no definite plan of the street system except to the extent enforced by the necessity of conformity to conditions of military protection. Thus a common feature of mediaeval as of ancient cities was the circular roads following the lines of the fortifications. In the mediaeval towns these lines influenced radial street penetration from the circular walls to the center. The living conditions of the poorer citizens were disregarded in mediaeval times perhaps even more than in Roman cities. In all these early cities there were beautiful public buildings and fine main thoroughfares, but also mean streets and courts in which people lived in overcrowded conditions.

As learning and art were revived in the sixteenth and seventeenth centuries the classical tradition that influenced architecture influenced also the planning of cities, leading to more conscious planning on a grand scale. Princes built great castles and palaces with magnificent processional ways leading to them. In some cities the classic and Gothic types were merged and blended, as for example in Nancy, France, where an interesting plan for a handsome government center was drawn up by Emanuel Here in 1750–57 as part of an extension plan of the city.

Mannheim and Karlsruhe (1715) are two examples of completely formal treatment. The plans of both towns show the effect of the Renaissance spirit and of royal influence. Inside the Ringstrasse Mannheim is almost completely rectangular with, however, diagonal treatment in the suburban areas. Karlsruhe is of the same geometrical type but is fan shaped with many diagonals converging to the castle.

London lost its opportunity after the great fire in 1666 when it failed to adopt Christopher Wren's plan based on a skilful combination of radial and rectangular lines. In America William Penn made his rectangular plan for the city of Philadelphia in 1682, with streets and squares amply spaced to meet the conditions of his time. Washington, laid out by L'Enfant in 1791 under the leadership of Washington and Jefferson, remains, however, the monumental example in the United States of the advantage of comprehensive planning. Its form is primarily rectangular with a diagonal system of main thoroughfares superimposed on the right angled pattern. The Capitol replaces the castle as the dominant feature.

French influence was important also in shaping the plan made in 1767 for the new part of the city of Edinburgh. Edinburgh combines an old and a new city, separated by a valley and the high rocky hill occupied by the dominating castle. The old is mediaeval in its characteristics, with narrow, irregular streets; the new is classical in feeling and has straight streets, squares and crescents as its main features. All of these eighteenth century efforts represent the beaux arts type of planning. The coming of the railroad and the machine age interrupted for a time the practise of the art of planning. An exception, however, was the rebuilding of Paris by Haussmann under Napoleon III, one of the most ambitious schemes of replanning and reconstruction that has ever been undertaken. Here too in the rebuilt Paris are the combinations to be found in other old cities that were replanned —the combination of the Gothic, the Renaissance and the modern type.

The rapid urbanization which set in toward the end of the nineteenth century and has continued since at an accelerated pace has given to city planning a new significance and direction. Modern civilization has produced not only the city but the metropolitan region; at the same time smaller towns are increasing in number. The power of the city, based on concentration of wealth and population, makes newly important its construction on lines conducive to health and social welfare.

The modern city planning movement had its origins in a reaction to the rapid and disorderly growth that characterized the latter part of the nineteenth century. One of the best known of modern plans, the Chicago plan, begun soon after 1900, was based on the desire for more order and beauty in one of the most rapidly growing of modern cities. It is the best example of the type of planning, then the dominant type, which frankly called itself "city beautifying." Even within the subsequent development of the Chicago plan itself emphasis was soon shifted from external beautification to the achievement of desirable living conditions, of efficiency in the whole urban structure and of beauty and order as growing out of desirable social arrangements.

Some time before this new type of city planning had become prevalent or even recognized the legal foundations for its development had been laid in both the United States and Europe. The growth of municipal consciousness to which this legislation owed its existence was the result of a reaction against the evils and abuses, especially in regard to sanitation, prevalent in most cities during the nineteenth century. And it was the demand, increasingly strong after 1870, for improved sanitary conditions and more control of land development in the suburban areas of cities which influenced the form of early city planning legislation.

The effective basis of such legislation in the United States is to be found in the greatly increased responsibilities, giving many a large degree of home rule, which during the past hundred years cities have assumed under special charters and under an extensive series of state enabling acts. The growth of municipal functions has been especially evident in connection with such questions as the control of building development, the increase of facilities for transit, the extension of water supplies, the acquisition of land for public open spaces and improvement in methods of sewage disposal. Abuses of private ownership of property and injuries to health, safety and morals of the inhabitants of cities have been more and more actively controlled through exercise of the police power. It has been necessary to devote increased attention to problems connected with excess condemnation, traffic control, preparation of official city maps, employment of special assessment and many other features connected with the land uses and ways of communication of cities. As William B. Munro points out in *The Government of American Cities* (4th ed. New York 1926), however, the prolonged battle to overcome governmental inefficiency in municipal affairs did not lead to a substantial improvement until after 1900.

In 1891 the first general planning act of Pennsylvania was passed; and in Massachusetts at about the same time a start was made toward the planning of regional systems of parks, water supply and the like in the Boston metropolitan region. Frederick Law Olmsted's influence, first in New York from 1857 onward and later in planning the Boston park system, had much to do with the development of city planning as an art and a profession in the United States. It appears, however, that general state and municipal activity in planning, as in promoting general municipal improvements, did not begin until after 1900. The work of the succeeding ten years included not only the preparation of the Chicago and other plans for city beautification but the passage of such significant laws as the New York City and Village Planning Law in 1913 and the Zoning Law of New York City in 1916.

Planning legislation began even earlier in Europe than in the United States. In 1865 Italy passed a law enabling communities having a population of at least 10,000 to make regulatory and extension plans. In 1874 Sweden made statutory provision for the preparation and execution of city plans; this law was revised in 1907 and again in 1917. The first town planning law in Prussia dealing with streets and building lines was passed in 1875 and subsequently amended.

In England the first of the series of public health acts was passed in 1875. These acts have since been gradually developed as the basis for the present public health and town planning laws of England, all of which are predominantly for the purpose of improving housing conditions. Thus the general object of the Town Planning Act (1909) is to improve sanitary conditions, convenience and amenity in connection with the development of the land. When first passed the act was a portion of another act dealing with the housing of the working classes.

Thus the way was prepared for the development of a new awareness among architects and planners of the basic importance of good housing and improved sanitary conditions. The necessary socialization of certain public services with the increasing size of cities has made possible a continuous widening of the scope of city planning. Still all too prevalent, however, is the misplanning which results from combining the piecemeal subdivision plans of real estate developers as the basis for the city plan and from failing to provide master plans for the whole city.

The increasing industrialization of the countries of South America and of the Orient may be expected to lead to new experiments in city planning. In Europe and the United States, however, comparatively few opportunities now arise for planning cities from the beginning, as was done in the case of Washington or St. Petersburg. More frequently opportunities are presented for making plans of village communities and complete suburban neighborhoods, such as the villages developed during the war by the United States government through the agency of the Housing Corporation and the Shipping Board or the numerous examples of model industrial villages planned by individual manufacturers. But the kind of plan most required and most conducive to social improvement is that for the extension and development of an existing city or town. In recent years it has been found essential to extend the scope of city planning so as to deal with regions comprising the total area having an economic or commuting relation to a central city. The proper development of means of communication in such urban regions involves the planning of areas comprising a large number of adjacent communities. Perhaps the countries which have been most active in official planning in Europe are Germany and Sweden. Here there are active city planning authorities dealing with both the development of new areas and the improvement of existing centers.

The extent of the improvement of social conditions resulting from city planning in Germany has varied as provincial or local habit has encouraged closer or more open development of building. In the largest cities, such as Berlin, the tendency has been toward an improved apartment house development, and the fine tree planted thoroughfares too often screen crowded courts where the people live in two or three-room dwellings.

In France where planning traditions have always had a firm hold on the more cultured classes much has been achieved in the creation of beauty in cities. But of late years carelessness and disorder have set in, particularly in connection with the development of suburban areas. One finds that the charm of Paris may be credited to the work done seventy years ago and earlier, and observes with disappointment the new growth that is taking place all around the environs of the city.

In England achievements have been in the direction of improving social conditions. The modern town planning movement in England, which dates from the beginning of this century, had a distinctly social aim. The benefits obtained from the public health acts of 1875 in the matter of sanitation had been accompanied by ugly monotonous forms of development. The Town Planning Act was devised to secure not only improved sanitation and convenience but more space and beauty in new building developments without increased cost to the communities. At about the same time the tendencies toward increased urbanization led to what was known as the "garden city movement," which has since become the chief force behind town planning developments in England. At Bournville and elsewhere manufacturers had laid out model villages, bringing into relief the cramped and unnecessary ugliness of the modern manufacturing districts. In 1898 Ebenezer Howard published his book advocating garden cities (*Tomorrow*, London) and in 1903 the first garden city was built—a city planned for better social and living conditions, restricted in size and surrounded by a permanent agricultural belt. Since then, with the interruption of the war, town planning has made rapid progress in England and in the British dominions.

Whereas in some countries town planning encourages the erection of the apartment house and tenement type of building, in England it has had the contrary effect. For example it is now difficult for a community to get authority to permit the erection of more than twelve houses, on the average, to the gross acre of land in its undeveloped areas; and the London County Council is devoting large funds to promoting the dispersal of industries and population outside its own borders and is less aggressive in the work of reconstruction of central areas. Authorities are attacking the slum problem in two ways: one directed toward rebuilding the slums, and the other toward the settlement of new communities within the open fields of the adjacent counties.

In the United States in the last twenty years city planning and zoning have spread all over the country and resulted in great improvements in city building. Other cities have the inspiration of the great example of Washington and of the early work of Alexander Hamilton, the first American to unite city planning with industrial development when he retained L'Enfant to plan Paterson, New Jersey. In a sense the plan that was made for Manhattan in 1811 was a comprehensive plan, but unfortunately it was prepared without regard to the existing levels of the land and without adequate diagonal lines of communication. It also took little account of the uses to which land might be put, and cut up the island into a series of blocks suitable for narrow residential lots rather than for the varied functions of a city.

The lapse in planning which took place in the second half of the nineteenth century in America was part of the world wide decadence of the movement concurrent with the development of the railroad, machinery and manufacturing. As in Europe, America entered what appeared to be a period of renaissance at the beginning of this century, and the movement has been developing strength ever since.

The Chicago plan, prepared by Daniel Burnham under the leadership of prominent business men in the Commercial Club, is one of the finest architectural presentations for improvement of a city in the entire history of city planning. Charles D. Norton and Frederic A. Delano, who later became identified with the Plan of New

York and Its Environs, were among its promoters. Notwithstanding criticisms of this plan as a mere conception of the "city beautiful" it has resulted in enormous improvements in the city and has greatly influenced city planning activity in America. This activity has taken two main forms, first that of comprehensive planning of the ways of communication and land uses, including park systems and civic centers, and second, that of zoning. In 1930 there were about 850 communities in the United States which had prepared zoning plans and ordinances and more than 300 planning agencies at work on general city plans.

The most popular form which partial city planning has taken in America has been that of zoning, particularly of areas built upon. Zoning is concerned with the establishment of districts for the purpose of regulating the use of property and the height area of courts and yards of buildings. It is based primarily on the right of the state to regulate those uses or abuses of property that are injurious to the health, safety and general welfare of the community. Zoning restrictions were somewhat resented at first by the courts and property owners as being an interference with liberty to a greater degree than was necessary for public health. As experience has been gained and zoning extended both the courts and the owners have come to appreciate the necessity of zoning, and the former have shown a growing liberality of interpretation of what is reasonable under the police power.

Zoning in itself is inadequate as a means of guiding the growth of cities. It is an essential part, but only a part, of a well conceived plan. It should not be used separately from such a plan except when and where it is expedient to prepare tentative regulations pending the preparation of a more complete plan. Nevertheless zoning deals with perhaps the most fundamental problems of city development since it fixes by law the qualities of the land for different bulks, heights and uses of buildings. All the zoning that has been done in America may be regarded as an experimental or preliminary phase of planning. It is a temporary expedient to prevent further injury from congestion or indiscriminate mixing of industry, business and residence, pending the development of more complete and scientific planning of cities.

It cannot be said that any definite set of principles for city planning has yet been formulated. In relation to the problems of the modern city the art and science of city planning is in its infancy. Certain principles, however, have become clear. Thus it is increasingly evident that a thorough study of all the economic, social and physical factors in the city is a necessary foundation for a plan, and the principles that apply to the making of any scientific investigation have to be followed in making such a survey. In the application of the art of planning the same principles of truth, of proportion, of fitness to purpose and of coördination of parts apply to the design of cities as to the design of buildings. The economic phases of city growth are primarily concerned with the distribution and space requirements of its industries. There is a growing appreciation of the necessity of an understanding of the relations between such economic problems and engineering problems. Perhaps it is in respect of social problems that least knowledge exists regarding city conditions, a natural result of the human factors that make accurate knowledge regarding the causes and effects of bad social conditions very difficult to obtain. No city planning can be satisfactory, however, unless it has as one of its main objects the improvement of the housing and neighborhood conditions of the poorer population as well as the prevention of pollution of water and of bad sanitary conditions.

As a science city planning purports to discover the truth about the city in respect to its economic, social and physical conditions. As an art city planning seeks to obtain an economically and socially wholesome arrangement of the ways of communication, of land uses and of building and other structures. More specifically in one important respect it seeks to get that degree of space about buildings which is necessary for health (such as space for light, air and recreation) and simultaneously that degree of building concentration which is necessary for efficiency. Its purpose is best served by resisting congestion or development that is so scattered as to be wasteful.

The survey of a city that is made for the purpose of preparing a plan must cover a wide variety of facts. It should deal with topographical conditions, particularly in relation to industry and transportation; climatic and soil conditions and other natural features. It must include studies of the interrelation between land and building developments and the mapping of all existing physical features. Very important are the surveys of the major economic activities and of problems of distribution of industries, population and land values, problems of transportation, transit and traffic and their relation to land uses, public recreation and the relation of private and public open spaces. The uses, densities and heights of buildings must be known, as also the methods of plotting and subdividing land and the development of neighborhoods. Sanitary conditions, including sewage disposal, water supply and pollution of water, must be considered. It is also essential to have an analysis of the functioning of the existing government, particularly as it affects planning activities or land development.

Provisions in a city plan vary, of course, according to the law under which the plan is prepared. In general it should include proposals for improvement of rail and water terminals and industrial areas, new and widened highways with classifications of their width and character, public and private open spaces for all recreation needs, civic centers and general location of public and semi-public buildings, treatment of waterfront and other special areas, principles governing control of subdivision of land and zoning regulations. Every plan should also include proposals with regard to the methods of its execution. Perhaps the greatest difficulty at present is the lack of sufficient power to enforce plans and make them permanent.

There can be no hard and fast rule as to the methods which should be employed in planning cities of different size. Differences between the problems of cities, however, arise not so much from differences in size as from differences in functions. If a city is predominantly industrial and self-contained it will require one type of plan; if it is mainly a commuting city it will require another type and should be part of a regional plan. The special problems that have to be considered in a manufacturing city differ from those in a city which, like Washington, is mainly given over to government; similarly a city where education is the main reason for its being must be planned differently from one that is predominantly a pleasure resort. Every city has its own characteristics although the same principles and objects must govern the preparation of all plans.

The chief difficulty in city planning is that of getting adequate public support for a movement dealing with what are usually regarded as intangibles. As a rule cities have no difficulties in appropriating money to investigate specific planning problems however extravagant in conception—such, for instance, as the planning of a great bridge or tunnel—but the planning of the city as a whole is too general a thing to appeal to the mass of people. At present much money is being wasted in cities in investigating traffic congestion as a distinct and separate problem, although its solution depends on making a comprehensive city plan. People see the traffic congested and they imagine the solution lies in a direct attack on the immediate location of the congestion, whereas it is a local symptom of widespread congestion and wrong distribution of functions and facilities.

The chief pitfalls in planning probably lie in two directions. The first of these is that of making city planning a mere branch of the real estate business and of seeking the stability of real estate values as its main objective. Much zoning is defective and lacks permanence because it is designed on the basis of what the owner of property wants and not with regard to what is best for the welfare of the community. The second pitfall is the expenditure of money on extravagant improvements and on schemes of ornamentation of the physical features of the city while the appropriation of adequate funds for the conservation of public health and amelioration of living conditions is neglected.

The underlying economic principle that justifies city planning is expressed in the commonplace that prevention is better and cheaper than cure. Its purpose is to know the city, including all its defects, and then to seek by planning to preserve what is good, to remove what is bad and above all to prevent the recurrence of the bad. In many cities conditions have to be tolerated that are recognized as injurious to business interests and to the health and safety of the population only because they have been so firmly established as to be too costly to cure. A city plan will inevitably save large sums of money to a community—always assuming it is well conceived—merely by preventing bad conditions at their inception.

An important part of a city plan is the preparation of a budget of expenditures over a period of years which should provide in reasonable proportions for all major expenditures on different municipal undertakings. Indeed planning of a municipal budget can be satisfactory only when it is based on a comprehensive city plan. New ways of communication involve considerable expenditure of money and it is important that the plan direct that expenditure along wise lines; new parks cannot be obtained without purchase, and in planning a park system the problem is to show the best locations for parks in advance of development so that they can be selected in the right place at reasonable cost. On the other hand all the benefits of zoning that are held to be "reasonable" by the courts can be obtained without any cost; for this reason, among others, when zoning is used in combination with a complete plan it is perhaps the most important phase of city planning.

Obviously the social values of a city plan depend on its being prepared, as it should be, with the primary object of improving social and living conditions. The mere preparation of such a plan, preceded by an ample investigation of conditions and public discussion of facts and projects, has a high social value. But its greatest social values can be obtained only if it is carried into effect. If a plan is well conceived and well proportioned, if it is supported by adequate state laws and intelligently administered, it should result in promoting social values unobtainable by any other means. It should not only secure a well balanced distribution of buildings, more space about dwellings for penetration of light and air, and larger areas for public and private recreation in proximity to dwellings, the lessening of congestion, more convenient transportation facilities and greater freedom of movement for traffic; but it should lead also to the development of a wholesome community background for social life as a result of well planned neighborhood units, and greater sense of order and regard for beauty on the part of the entire population. Finally it is important to recognize that the planner cannot build the city but can only show the citizens how they should build it. In an important sense, therefore, city planning is an educational process.

Thomas Adams

See: City; Architecture; Zoning; Building Regulations; Civic Art; Civic Centers; Suburbs; Garden Cities; Parks; Urbanization; Housing; Public Health; Sanitation; Real Estate; Construction Industry; Public Works; Public Finance; Municipal Government; Regionalism.

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CITY COUNCILS. *See* Municipal Government.

CITY-COUNTY CONSOLIDATION. *See* County-City Consolidation.

CITY GOVERNMENT. *See* Municipal Government.

CITY MANAGER. The "city manager plan," or, more accurately, "council manager plan," was instituted in Staunton, Virginia, in 1908 and became nationally important in 1914 following its adoption by Dayton, Ohio. The number of municipalities adopting this plan has grown steadily until in 1930 there were more than 400. After 1918 it spread into the larger cities, including Cleveland, Cincinnati, Rochester, Fort Worth, Miami, Grand Rapids, Kansas City (Missouri) and Norfolk. Full data concerning it are published annually in *Public Management* (Chicago), the official organ of the International City Managers' Association.

The essence of the plan consists in the appointment by an elected council of an administrative official called the city manager, whose term of office is indefinite and in whose hands is placed responsibility for managing most city business. Specifically, the manager is authorized: to appoint without confirmation of the council the highest administrative officials and, with or without the assistance of a civil service commission, the subordinate personnel; to direct them in the performance of their duties; to discipline and remove them when necessary; to plan and guide business operations; to prepare and submit to the council the annual budget; to recommend to the council policies and programs. In short, the council manager plan theoretically places all responsibility for administrative and business operations on the manager, except that the school system is usually separately administered by a board of education.

The responsibility for making decisions concerning municipal policy, for defending such policies before the public and for furnishing the political leadership of the community is vested in the council and the mayor. The council retains full authority to enact ordinances, to make appropriations, to develop comprehensive plans for municipal development and to select and discharge the manager. The mayor loses administrative power but remains to preside over the council, to participate in its deliberations, to represent the city on ceremonial occasions and for the service of legal writs and to assume, if he chooses, the political leadership of the city. The charter usually directs that the manager be chosen without reference to political affiliation or local residence and frequently forbids the council to interfere with his duties.

This form of government, therefore, in sharp distinction to the commission plan, makes a clear separation between politics and administration and establishes a single responsible head for all business operations.

With a few exceptions it has been notably successful. A body of professional city administrators has been developed, substantially free from political considerations, governed by a high sense of obligation to the community and alert to improve their technique. Adequate popular control is insured by recurrent election of the council and by the frequent provision of the initiative, referendum and recall.

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See: MUNICIPAL GOVERNMENT; ORGANIZATION, ADMINISTRATIVE; CIVIL SERVICE; COMMISSION SYSTEM OF GOVERNMENT.

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CITY-STATE. The term city-state is applied to an autonomous state composed of a city and its outskirts and revealing a more or less clearly defined distinction between a bourgeois and a peasant class. The outstanding examples of the city-state of antiquity were in Phoenicia, in Greece and in Italy; in the Middle Ages the most typical city-states were in Italy and on the coast of the North Sea.

At first sight the *polis* or ancient city-state seems to have been constructed according to a definite plan; in Rome, for instance, there were three ethnic tribes, thirty curias, three hundred senators. But this superficial uniformity conceals profound social variations. In many cases the tribes or clans, from whose amalgamation the city developed, had widely different customs and religions. This is true of the Albans and the Sabines, two of the constituent elements of Rome. Moreover the centuries of warfare which preceded the foundation of the *polis* left ineffaceable distinctions between victors and vanquished. The institution of helotry and the peculiar form of agrarian organization in Sparta were perhaps survivals of the Doric invasion; and it is not yet determined to what extent the line between patricians and plebeians in Rome indicates an ethnic difference.

The *polis* retained in weakened form many institutions of the larger clans: fraternities of warriors (phratry); large family associations (*genos* in Greek, *gens* in Latin); age groups; communal banquets (*syssity* in Sparta and analogous customs in Carthage and in southern Italy). The ancient division into ethnic tribes of common origin persisted in Athens until the time of Clisthenes and in Rome until the royal epoch, when they were replaced by local tribes organized on the basis of domicile. Another great change made by the *polis* in the course of its development was the liberation of the individual from the tyranny of the *genos*. The *polis* thus destroyed the essential characteristic of primitive law: family solidarity which, in making the family as a whole responsible for the wrongs committed by each member, had been an important source of feuds and internal disturbances. G. Glotz (*La cité grecque*) divides the entire history of the city-state into three periods, determined by the changing relations of the family, the individual and the state: "In the first, the city is composed of families who guard their primordial rights jealously . . . ; in the second, the city suppresses the families with the aid of liberated individuals; in the third, the excesses of individualism ruin the city, making necessary the establishment of more extensive states."

The origin of the ancient city, the force which was responsible for its establishment, has been the subject of much dispute. In the nineteenth century Fustel de Coulanges set forth the theory that the foundation of the city was essentially a religious phenomenon. The nucleus was the family, centering about the hearth, before which the father of the family, who was also a priest, conducted the worship of the ancestors. The union of several families established the hearth of the phratry; and the union of the phratries established the hearth of the tribe. "As soon as the families, the phratries and the tribes had agreed to unite and have the same worship, they immediately founded the city as a sanctuary for this common worship" (Fustel de Coulanges, *La cité antique*, p. 177). In reality the *polis* was the result of an economic evolution. At the foot of a citadel, dating perhaps from the Mycenean age, a market was established and artisans settled. Out of two elements, therefore, the *acropolis* (with which the word *polis* was originally synonymous) and the *astu* (group of business and residence buildings located on the plain), the city developed. The progress of the cities is inseparably bound up with the development of commerce. In Phoenicia and in Greece the regime of city autonomy developed in trading cities near the sea and the achievements of these mercantile cities served as models for the communities which were still mere agricultural markets.

The institutions of a large number of ancient cities show a parallel course of development, the various stages of which may be correlated both with changes in economic structure and with the evolution of the army. At first the city was controlled by the heads of the genos, who composed an oligarchic senate, limiting the action of the king; these were the rich and noble warriors who went to battle in chariots. Later on, with the rise of a class of propertied peasants and with the growth of movable wealth caused by the progress of commerce, a timocratic constitution was established, placing power in the hands of the rich without consideration of nobility; this change coincided with the organization of phalanxes of hoplites. The difficulties involved in the transformation of a state primarily agricultural into a state primarily mercantile explain the appearance of the tyrannies. Partly as a result of the increase in personal wealth (or the lowering of the tax qualification), partly as a result of the organization of a fleet and the growth of a class of sailors, political control was transferred from the tyrants to the people. Then came into existence those direct democratic institutions which constitute the chief political peculiarity of the *polis* in this stage of its evolution and which were made possible by its narrow territorial limits: the drawing of magistrates by lot, rotation in public functions, state bounties to assist citizens in the fulfilment of their public functions, recall constantly threatening magistrates, and the power of the popular assembly both to issue decrees having the force of laws and to act as sovereign judge.

The *polis* has its mediaeval counterpart in the free commune of Italy and Flanders. While the evolution of the institutions of the commune constitutes a problem in itself the commune and the *polis* show such striking similarities in so many of their characteristics that a comparison throws light upon the inherent tendencies of the city-state. Both developed under essentially the same conditions. Just as the *polis* had its inception after the period of invasions called the "Greek Middle Ages," so the commune appeared after the Carolingian period, springing up like the Ionian and Phoenician cities near the sea or at the centers of traffic networks. Just as the constituent parts of the city-state of antiquity were the *acropolis* and the *astu*, so the commune was the product of the castle-fortress (*burgus*) and the market (*portus*) and in both cases the sanctuary was in the heart of the city. Geographical conditions played their part in the liberation of the commune from the feudal lord as they had in the protection of the autonomy of the *polis*. It was not by accident that the *polis* flourished in mountainous Greece and in the island or cape settlements of the Phoenicians; or that the free communes were usually located on strategic sites, around canals as in Flanders or on an archipelago as in Venice.

The mediaeval commune, like the city of old, was a liberal force: as the *polis* had released the individual from the tyranny of the genos, so the commune destroyed the monopoly of freedom which the nobility had formerly enjoyed. Both ancient and mediaeval cities engendered a rigorous patriotism. The class of hereditary citizens constituted a kind of nobility, united by a strong feeling of solidarity, which found practical expression in social legislation, stipends for children orphaned by war and pensions for invalids. Such celebrations as the Panathenaean festival or the worship of St. Mark at Venice were not merely religious but patriotic. There were, however, powerful elements of disintegration, important among which was the conflict between the military and the commercial interests, resulting usually in the victory of the latter and eventuating in the replacement of the soldier citizens by mercenaries. The rival free cities were constantly in arms against one another, while family feuds were a cause of frequent civil wars. As a result of the impetus toward economic and social legislation the poorer classes tended toward communism. Abolition of debts and division of land became part of the program of the most radical groups. The social conflict was more serious in the mediaeval cities, where the artisans were organized in guilds. Another source of internal disturbance arose from the attempt to subordinate the city to the country. The struggle between the urban class and the farmers, which was developing during the autonomy of Athens and was perceptible in Carthage, became acute in the mediaeval cities.

The free commune of the Middle Ages, like some of the mercantile cities of antiquity, was not a self-sufficient organism. Because of excessive population resulting from the growth of industry and commerce the city was obliged to import most of its necessities. The state met this problem by seeking to gain control of certain imported commodities. The Athenians were permitted to load ships with wheat for Athens only and the Venetians were compelled to transport commodities exclusively to Venice. The foreign policy of the ancient and mediaeval cities was dominated by the desire to open markets for trade; their efforts were directed toward establishing fortified trading posts in foreign lands, multiplying their colonies and founding empires by levying tribute on foreign cities. Thus the commercial city became consciously imperialistic.

The city was so constituted as to render its development into a large state very difficult. Even Rome did not altogether succeed in adapting her municipal institutions to the administration of an empire. The Greek cities sought to solve the problem through the instrument of confederation. The reason for their failure is well illustrated by the case of the Boeotian cities, which in trying to extend the institutions of direct democracy outside the city-state rendered the central authority almost powerless. No less serious than these political difficulties was the weakening effect of the restrictive economic policy, which finally resulted in curbing progress and in fettering exchange. The free city, unable to withstand the accumulated strain, declined and finally disappeared.

Ancient political theorists described the city-state as agrarian rather than mercantile, and thus seriously misunderstood its essential nature. Plato subordinated the producing class to warriors and philosophers; he regarded proximity to the sea as dangerous and desired to abolish private property and even money. Aristotle considered virtue and not wealth to be the true goal of the city. As their model city-state both Plato and Aristotle unreservedly accepted Sparta, which was no more than a camp piously preserving the customs of prehistoric times and hardly deserves to be classed as a city-state. Only in modern times has the true nature of the city-state been understood. It is the modern theorists who have recognized and appreciated the importance of the merchants in the organization of the mediaeval communes. The economic factors in the development of the *polis* are more difficult to determine because of the nature of the sources available, but there is no doubt that the merchants exercised a determining influence in the growth of the cities of Phoenicia and of many of those of Greece, while in Rome the enfranchisement of the people was perhaps due in part to the activity of the merchant colony established in Aventine.

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See: SOCIAL ORGANIZATION; COMMUNE, MEDIAEVAL; CITY; CITIZENSHIP; TYRANNY; OLIGARCHY; STATE; GOVERNMENT; FEDERATION; COMMERCE.

Consult: Fustel de Coulanges, N. D., *La cité antique* (28th ed. Paris 1924), tr. by W. Small (12th ed. Boston 1901); Glotz, G., *La cité grecque* (Paris 1928), tr. by N. Mallinson, History of Civilisation series (London 1929), and *La solidarité de la famille dans le droit criminel en Grèce* (Paris 1904); Busolt, G., *Griechische Staatskunde*, Handbuch der Altertumswissenschaft, sect. iv, pt. i. vol. i (3rd ed. by H. Swoboda, Munich 1920–26); Francotte, H., *La polis grecque; recherches* *sur la formation et l'organisation des cités, des ligues et des confédérations*, Studien zur Geschichte und Kultur des Altertums, vol. i, nos. 3–4 (Paderborn 1907); Wilamowitz-Moellendorf, Ulrich von, *Staat und Gesellschaft der Griechen und der Römer*, Die Kultur der Gegenwart, sect. iv, pt. ii, vol. i (2nd ed. Leipsic 1923); Vinogradoff, Paul, *Outlines of Historical Jurisprudence*, vols. i–ii (Oxford 1920–22) vol. ii; Mommsen, T., "Römisches Staatsrecht" in *Handbuch der römischen Alterthümer*, ed. by J. Marquardt and T. Mommsen, 3 vols. (3rd ed. Leipsic 1887–88); Pöhlmann, R. von, *Geschichte der sozialen Frage und des Sozialismus in der antiken Welt*, 2 vols. (3rd ed. by F. Oertel, Munich 1925); Barker, E., *Greek Political Theory* (London 1918); Gsell, S., *Histoire ancienne de l'Afrique du nord*, vols. i–viii (Paris 1913–28) vol. ii; Pirenne, H., *Medieval Cities, their Origins and the Revival of Trade* (Princeton 1925), and *Les anciennes démocraties des Pays-Bas* (Paris 1910); Arias, Gino, *Lo sistema della costituzione economica e sociale nell' età dei comuni* (Turin 1905).

CIVIC ART is a term which is most properly applied to the entire aesthetic aspect of the city. Many of the most important elements of civic art, such as the pattern of the streets, the grouping of buildings in functional zones, the provisions for open spaces and parks, the entrances for various means of transportation, are fundamental considerations in programs of city and town planning. But there are many other factors. These include not only the specifically monumental parts of the city, such as its statues, memorials or public buildings, but also many of its more strictly utilitarian features such as street names, lighting fixtures, transportation facilities, letter boxes, fire alarms. The character and harmony of residences and public buildings and the nature of street advertising are other important aspects of a city's appearance. It is the nature of the entire composition, including all such elements as these, that determines the quality of civic art.

In the classic city the importance of local deities and other gods caused a concentration of temples and monuments on a dominating site, usually a place of final refuge in war, and other civic structures such as theaters, choragic monuments, basilicas, were grouped about the same site. The residential districts were aesthetically of relatively small importance. In the mediaeval city the market place or the cathedral square or the castle hill were the places where civic pride was concentrated; great resources were lavished on the guild hall or the cathedral, toward whose towers or spires the animated silhouette of domestic roofs and chimneys drew the eye. Except in the classic cities of the Alexandrian period or bastides of the fourteenth century the street pattern was informal and the simple vernacular buildings served as a sober background for a splendid public art.

The Renaissance made several distinct changes in the appearance of cities: it created the open plaza; it made the formal garden an accessory of civic architecture; it grouped the finer types of residence around small parks or squares; and by opening up and formally arranging the avenues it created a street picture of perspectives and distances. These avenues often terminated in squares, crescents, circles and stars; and the proper embellishment of the plan with statues, monuments and public buildings became of great importance. The impulse responsible for the civic art of the Renaissance was that of an oligarchy seeking to embody in public building the good manners and humanistic cultivation of the gentleman. What lay behind the façades was neglected, however, and hence the imposing residential quarters of seventeenth century Paris or eighteenth century London often concealed dilapidated workers' houses, dingy backyards and mews.

In the nineteenth century, with the rise of machine industry, the proportion of urban space dedicated to industrial enterprise was increased. The little handicraft shop was replaced by the large factory, supplied with fuel and materials brought in by rail; large sections of the new city were brought hastily into existence without any consideration for the relation of the prevailing winds to smoke, the isolation of noxious industries, the zoning of manufacturing and commercial areas or the segregation of noisy and dirty industries. With occasional exceptions the new railway stations, factories, office buildings, department stores and iron bridges, though they often occupied dominant sites, were erected with as little thought for group harmony as for architecture. The mere push of enterprise brought into the very heart of the industrial city vast railroad yards which occupied valuable land, cut across the natural lines of growth, broke up the coherence of the civic whole and contributed noise, dirt and congestion. With paleotechnic industry came a large population on the margin of subsistence, the housing of which in tenement houses like those of Glasgow, Berlin and New York, in monotonous rows as in London, Manchester and Philadelphia or in boxlike shacks as in the smaller middle western towns, was a final negation of civic conscience.

The first self-conscious attempts at civic art in America were in devising cities of Renaissance pattern, as in Penn's original plan of Philadelphia and L'Enfant's Washington; but the most successful examples of the actual existence of civic art occurred before 1800 in New England towns like Sharon, Amherst, Newburyport, Stockbridge, where open spaces, public buildings like the church and the school, dwelling houses and the mill or tannery were unified by a coherent pattern, the common quality of the building and the connecting arcades of trees. The effort to achieve such beauty in design disappeared early in the nineteenth century, and by the middle of the century the chaotic ugliness of the new quarters of cities called attention to the need for a deliberate program of civic art. This was first manifested in the planning of Central Park, New York, 1856; later of Fairmount Park, Philadelphia; and finally in the masterful metropolitan park systems of Kansas City and Boston. Another important influence was the Chicago World's Fair in 1893. This gave an impetus to a widespread effort to achieve the order and dignity of Renaissance planning, particularly through the creation of civic centers, such as those subsequently erected in Cleveland, San Francisco, Denver and Springfield, Massachusetts. Meanwhile some of the essential problems of modern civic art were being altered. The skyscraper introduced a new dimension into the city plan which had no relation to Renaissance scale and design; and the preemption of desirable sites by such monuments of business enterprise as office buildings and hotels often made more difficult the problem of the grouping of important public buildings.

In the actual administration of civic art projects commissions for city planning and civic centers are necessarily concerned to some degree, but there are also many agencies whose activities are directed primarily toward improving the aesthetic aspect of cities. This cannot be done with any measure of success unless the fundamental requirements of utility, convenience and sanitation are also taken into account, but where officials and laymen work together with artists there is little likelihood that these considerations will be forgotten. Municipal art commissions have been founded in nearly all cities of the United States since the early years of the twentieth century. Almost invariably the scope of their activities is limited to advice and judgment concerning land and structures "of a permanent character intended for ornament or commemoration" and belonging to or about to belong to the municipality. Thus limited, the activities of such commissions can come within the police power, but their interference on purely aesthetic grounds with any objectionable use of private property is almost unanimously overruled by the courts. A typical decision of this character argues: "However desirable it may be to encourage an appreciation of the beautiful in art and to cultivate the taste of the people of the state, still it has never been the theory of our government that such matters could properly be enforced by statute when not connected with the safety, comfort, health, morals, and material welfare of the people. . . . The courts of this country have, with great unanimity, held that the police power cannot interfere with private property rights for purely aesthetic purposes" [Haller Sign Works *v.* Physical Culture Training School, 249 Ill. 436 (1911)].

Whether the police power may eventually be extended to include offenses to the eye within its jurisdiction, as offenses to other senses are now included, whether a constitutional amendment will be necessary in order to achieve such supervision or whether the people of the United States will continue to insist on this expression of personal liberty, is not yet clear. There have been occasional signs, however, that the concept of police power may be found once more to be extensible to the uses in hand. A significant indication of possible future trends is the fact that the Planning Act of 1927 in California, in addition to the customary provisions for general city planning, provides also for "the improvement and control of architecture and general embellishment of the area under its jurisdiction."

Another impediment to the success of municipal art commissions is their tendency toward stale "official" art. Usually their membership includes not only ex officio municipal servants but also a representation of artists and competent laymen. This provision, however, has not always resulted as satisfactorily as might be hoped. The earlier commissions frequently tended to favor the feeblest kind of classic or Renaissance design for civic monuments and this attitude did much to undermine their authority. Their attempts at the "City Beautiful," as their movement was called, were further discredited by the superficial character of many of their projects and their indifference to civic art as a whole.

Great strides have nevertheless been made in recent years and there are indications that a more informed taste is being directed toward the problems of civic art. There has been no more effective contribution to civic art in America than the New York ordinance for limiting the heights of buildings and ensuring a modicum of sunlight and air in crowded skyscraper areas; nothing could further modern civic art more than an attempt, such as has been suggested by Le Corbusier in France and Raymond Hood and Henry Wright in America, to space and limit high buildings in relation to the needs of traffic, transportation and full access to sunlight. The improved design of stations on the new subways of Boston and New York, the improvement of both color and design in the modern gas tanks of New York, the unified design of the municipal piers of Manhattan and the Army Supply Base in Brooklyn, are the earnest of a civic art that springs directly out of contemporary needs.

The interests of civic art have also been served incidentally by institutions of a non-official or semi-official character. These are of various types: neighborhood business organizations such as the Association for the Protection of Fifth Avenue in New York; local civilian organizations concerned with good pavements, clean streets, trees and standard quality in residences; professional societies of architects, painters, sculptors and landscape gardeners; national associations such as the American League for Civic Improvement; women's clubs; and periodicals devoted to municipal affairs and public improvements. Sometimes the activities of such organizations are impelled largely by real estate interests or town boosting and in many cases their success also has been limited by the artistic incapacity of their members, but altogether their activities are doing a great deal to improve the aspect of urban communities and also to convince the public of the need of such improvement.

European countries, less hampered than the United States by constitutional restrictions, have been considerably in advance of the United States in control of matters relating to civic art. The movement began there earlier and has made further progress. Official supervision of private building is a matter of course in European cities and frequently professional artists serve as expert advisers. City planning commissions are particularly aware of the artistic possibilities of their activities, an attitude which is not always conspicuous in the United States.

In the future efforts toward the improvement of civic art will probably be concerned with the development of the city as a whole and not merely with grand avenues, civic centers or monuments. Among the objectives of such a program will be the full utilization of natural features, such as hills and waterfronts, making them subserve health and recreation as well as such commerce as is necessary; the planning of neighborhoods as units, related to playgrounds, parks, schools, libraries and local shops, instead of as a nondescript part of a larger unit; the establishment of a high standard of group housing; the zoning of factory districts and commercial districts and their maintenance at a high level of cleanliness and order; the electrification of railways that enter the heart of the city and the appropriation of the space above the tracks for building or parking space; the elimination of every form of competitive advertisement in public places and the limitation of necessary signs to a height and color harmonious with the street picture; the planning of new parts of the city with relation to their aspect from the air as well as the street and the establishment of important functional centers and building sites in advance of the street plan; the insulation of residential sections from main traffic arteries; and the provision of more or less continuous park belts free from vehicular traffic for the use of pedestrians and children at play. Most of these objectives are now incorporated in the English garden cities, Letchworth and Welwyn, and in the new American exemplar, Radburn; and they have been adopted in part by other cities. In such a program the monumental aspects of civic art are reintegrated with the development of the city as a whole.

LEWIS MUMFORD

See: CITY AND TOWN PLANNING; ARCHITECTURE; ART; PUBLIC WORKS; BUILDING REGULATIONS; ZONING; CIVIC CENTERS; GARDEN CITIES; CITY; URBANIZATION; REAL ESTATE; CIVIC ORGANIZATION.

Consult: Unwin, Raymond, *Town-Planning in Practice* (new ed. London 1919); Robinson, C. M., *Improvement of Towns and Cities* (3rd rev. ed. NewYork 1909); Jeanneret-Gris, C. E. (Le Corbusier), *Urbanisme* (8th ed. Paris 1929), tr. by Frederick Etchells as *The City of To-Morrow and its Planning* (London 1929); Hegemann, Werner, and Peets, Elbert, *The American Vitruvius: an Architects' Handbook of Civic Art* (New York 1922); Maltbie, M. R., *Civic Art in Northern Europe* (New York 1903); Sitte, Camillo, *Der Städtebau nach seinen künstlerischen Grundsätzen* (5th ed. Vienna 1922); Wolf, Paul, *Städtebau* (Leipsic 1919); New York City Art Commission, *Laws Relating to Art Commissions* (New York 1914); Freund, Ernst, "Some Inadequately Discussed Problems of the Law of City Planning and Zoning" in 21st National Conference on City Planning, *Papers and Discussions; Planning Problems of Town, City and Region* (Phila-

delphia 1929) p. 79–96; Stanton, Stephen Berrien, "Private Rights and Civic Beauty" in *Unpartizan Review*, vol. xiv (1920) 130–40.

CIVIC CENTERS represent one of the earliest forms of civic achievement. The Forum and the Acropolis were the civic centers of Rome and Athens, respectively, and there was scarcely a city in the ancient world without what might be called a civic center, in which on important occasions the people assembled. The finest examples of modern civic centers are to be found in Europe, such as the new civic buildings in Vienna and Stockholm and the town centers in the modern English garden cities like Letchworth and Welwyn. In the United States, too, are several notable civic centers. In many American cities plans have been prepared for civic centers in connection with comprehensive city planning projects. Among the more notable are those of Cleveland, Ohio; Hartford, Connecticut; Denver, Colorado; the Gateway Park of Minneapolis; San Francisco, California; Springfield, Massachusetts; the Art Museum and other cultural buildings on the Philadelphia Parkway; the capitols of Minnesota, Nebraska and other states. The crowning achievement in the United States in the planning and construction of public buildings is the National Capitol at Washington.

Civic centers are not necessarily confined to public buildings for strictly governmental purposes but often include buildings devoted to art, music and the drama. As such they constitute an essential element in city development, and of first importance is their location with regard to the city as a whole. They may be grouped as one center or as various centers, formally or informally, according to the local requirements and the opportunities for convenient and interesting development. Public buildings forming the civic center are rightly placed when grouped in economically suitable locations readily accessible to the public. The great increase of traffic in modern cities necessitates avoidance of excessive centralization of buildings, especially if they include large assembly halls.

As one of the chief problems in the planning and development of cities is the provision for their growth, the location of public buildings should be designed with reference to the expansion of the city. Municipal buildings, court houses, halls of record and buildings of similar character are naturally located near or within the central business district. Custom houses and post offices, however, are more closely connected with the railway and waterway terminals, although it is important that a branch post office should be readily accessible from the shopping district. Public libraries, law courts, municipal auditoriums and other buildings of like nature may be suitably located on the edge of the business district, and in some cases within important residential districts. In any case these buildings should be somewhat removed from the downtown business center.

The location of public buildings naturally depends upon the general structure of the city, especially the street system and transportation. While civic centers may be advantageously placed on prominent streets in a rectangular system or composed with principal intersections in an irregular system of streets, yet for the most important groups the best location is at a focal point where more than two thoroughfares come together.

Civic centers gain from a well ordered and attractive grouping of buildings numerous and varied advantages. They include such factors as additional convenience in the transaction of both public and private business; the reduction to a minimum of the interference of public buildings and grounds with private business property and general business interests; recognition in the location of the civic center of one of the most important features of a natural zoning system carrying with it incidental advantages in building requirements and fire protection; economy in the purchase of a larger tract of land which can be acquired at lower rates; better use of the same amount of land as a result of a skilful grouping of buildings; more permanence of the civic center and therefore greater stability of land values in the zone in which the public buildings are located; the securing of a margin of land for future expansion and adjustments without unnecessary expense as the need for additional public buildings develops. The grouping of municipal buildings in one center serves also as a check upon speculative interests and reduces or eliminates much of the delay and bitterness which often result in clamoring over the selection of a site for each new public building. A logical place having been selected, the erection of buildings from time to time follows as a matter of course in accordance with a preconsidered scheme. A municipality also gains financially from increased taxes due to the higher value of property near a permanently established civic center. This provides a neighborhood for the erection of hotels, theaters and office buildings, which naturally seek locations adjacent to an attractive civic center group with its surrounding open spaces and parks.

Again, an attractive and well planned civic center brings large dividends in aesthetic pleasure when the city invests in architecture and other forms of outdoor civic art. A better effect can be secured for the same money, or an equally good effect for less money, than would be possible in the case of buildings without orderly relation to each other. An effective combination of architecture, sculpture, landscape architecture and gardening in a single harmonious composition is possible in such a center. This grouping permits municipalities to engage more highly qualified and experienced men to make plans. A unified civic center can be made to provide not only suitable locations for civic sculpture and the appropriate adornment of open spaces but also facilities for the incidental requirements of parking space for automobiles, convenient trolley car and bus transfer points and public comfort stations.

A civic center needs a dominant feature or building and should be so placed as to provide for a good vista along the main street or axis of the plan. There should be a proper sense of scale in the relation of the shapes and sizes of the open spaces to the shapes, sizes and locations of the surrounding buildings. Good results require harmony of materials and of architectural styles and unity of the composition as a whole. The problem of protecting the integrity of civic centers against the encroachment and greater height and dominance of commercial buildings is particularly difficult in the United States. The principal measures that can be used by municipalities are zoning and the acquisition of sufficient property by the city to control the outlook and environment of the civic center.

Civic centers cannot be standardized. They should be distinctive and individual and expressive to some extent of the special character of the city itself—its climate, its population, its needs. The problem of a city's buildings is always a local one and must be worked out, if it is to be successful, from a careful survey of local conditions. In all cases, however, the problem must be stated with regard to the conditions as a whole and with a foresight that takes into account the city's growth. Above all, a civic group should be so placed and designed as to stimulate local patriotism and civic pride. It nourishes civic life, without which a city cannot truly grow and flourish. A well conceived civic center aids a city in its competition with other cities. It gives form to community efforts and inspires and guides the development of private property.

JOHN NOLEN

See: CITY; CITY AND TOWN PLANNING; CIVIC ART; COMMUNITY CENTERS; MUNICIPAL GOVERNMENT.

Consult: Bennett, Edward H., "Public Buildings and Quasi-Public Buildings" in *City Planning*, ed. by J. Nolen (2nd ed. New York 1929) ch. v; Koester, F., *Modern City Planning and Maintenance* (New York 1914) p. 20–36; Robinson, C. M., *Modern Civic Art* (4th ed. New York 1918) ch. v; Unwin, Raymond, *Town-Planning in Practice* (new ed. London 1919) ch. vi; Warner, J. de W., "Civic Centers" in *Municipal Affairs*, vol. vi (1902) 1–23; Lewis, Nelson P., *The Planning of the Modern City* (2nd ed. New York 1923) ch. viii; Mawson, Thomas H., *Civic Art* (London 1911) ch. vii; Hegemann, Werner, and Peets, Elbert, *The American Vitruvius: an Architects' Handbook of Civic Art* (New York 1922) p. 133–51.

CIVIC EDUCATION, in the broader sense, is the process of passing on to successive generations the traditions of a community. As in other social processes there is in education a tendency to supplement and replace habitual and unconscious procedures by conscious and rational methods. Such an increase in rationality and purposefulness of education may be detected even in the more or less elaborate religious cults which succeeded the cults of the tribe and the family. These religious influences were an important factor in the development of the political homogeneity in antiquity and the Middle Ages. In antiquity they were felt through the absorption of all religious cults in the city-state, and in the Middle Ages through the intellectual and moral predominance of the church over all political communities.

Civic education, in the narrower sense of the term, dated from early modern times when with the destruction of the world wide citizenship of the Christian *Civitas Dei* the secular governments became concerned with fostering, on a markedly secular plane, the tradition of civic allegiance. The task was difficult. For a long time governments failed to develop a school system of their own which should replace or at least compete with the age old educational institutions of the church. The churches, on the other hand—even the Protestant cults—clung tenaciously to their first claims on the minds of men, in England and in America perhaps more forcefully than in Lutheran Germany and Scandinavia. The chief difficulty, however, was found in the fact that "nationality" as the basis of the modern secular state was often a doubtful and artificial aggregate of smaller but older racial and territorial communities. The new education in that period, just as after the World War, was therefore forced to assert itself against two opposing forces. It conflicted not only with the older allegiances to communities whose sovereignty, merged in that of the nation state, might be revived in regional, sectional or "pluralistic" aspirations but also with the newer allegiances to cosmopolitan ideals: the pacifist strivings for a *comitas gentium* or the more realistic attachments to various red, gold, black and green "internationals."

While the early modern state as the absolutist guardian of its subjects was scarcely aware of this struggle, a complete realization of its import was inevitable with the progress of modern democracy. For democracy as such not only involves a considerable advance in the rationalization of social and political relations, but the revolutionary triumphs of democracy—from the French Revolution to the revolutions at the close of the World War—have brought about a shift in the opposite direction—the first great transference to the political field of passions that were previously virtually monopolized by religion. The state, however, made but slow progress in asserting its supremacy. In France the revolutionary program for the *laïcisation* of education was not carried out until legislation at the end of the nineteenth century effected the separation of church and state. Even at present there are in France both advocates and critics of secular education, and, paradoxically enough, the cult of nationalist ideals is particularly pronounced among the proponents of religious education, who combine it with loyalty to the Catholic church. In post-war Germany the multiplicity of conflicting ideals led the National Assembly of 1919 to embody in the Weimar constitution a remarkably comprehensive provision (article 148) enjoining all schools to develop "moral education, civic sentiment [*staatsbürgerliche Gesinnung*] and personal and vocational efficiency in the spirit of the German national character [*Volkstum*] and of international conciliation [*Völkerversöhnung*]." It provides also for the introduction of civics and manual training as compulsory subjects and for the distribution of copies of the constitution to graduates of the schools.

Modern governments encounter a still further difficulty in attempting to utilize civic education for their exclusive benefit. Instead of succeeding as sole heirs to the educational monopoly of the church they have had to divide the inheritance with a large number of other spiritual powers, likewise bent upon molding the modern secularized communities. Among these powers political parties and the press, which was at first almost entirely in the service of parties, were of quite special importance, because the less they shared the views of the government and the ruling classes the more strenuous was their devotion to questions of civic education. Thus the liberal bourgeoisie of Europe and America, when in opposition to the older aristocratic systems of government, had the formidable advantage of directing civic education along lines of modern scientific training. The next wave of political opposition, that of the more or less socialistically minded working classes, lacked this new educational content, but it had the compensatory advantage of securing the adherence of the masses through an elaborate technique of open and secret agitation, supplemented by the training of speakers and itinerant lecturers. The continuous development not only of the press but of the cinema, radio and many other vehicles of public education and propaganda into self-sufficient and self-supporting services seems to open an ever widening competitive market where all types of old and new creeds, political and nonpolitical, can hope to win public attention and government support and thus to become fairly important factors in the molding of national types.

At present the question of the educational supremacy of the modern state, already foreshadowed in the principle of state control of all education, appears to have reached a new and critical stage. The non-European governments, particularly that of the United States, confront the necessity of building up out of innumerable racial and social groups at least a likeness of the European nation state. In Europe the governments created by the political revolutions, like the Bolshevist or the Fascist, face the task of tightening the reins of educational freedom in order to extinguish in the germ counter-revolutionary ideologies and to foster new mental attitudes. In each case, however, the requirements of the situation may be totally different. In America the assimilation of immigrant stocks and colored races is complicated by the relative absence of social stratification and the excessive mobility of the population. In Russia the task is to educate rapidly by "American" methods of organization and publicity an illiterate and not easily accessible peasantry to a rationalistic creed like Marxism. In contrast to this, the Fascist government in Italy is attempting the emotional training of a western nation, half liberal and half Catholic in temper, for an all inclusive form of proud, conscientious and combative nationalism. In addition many other features of modern civic education may be shared in common by various countries, for example the constantly recurring contrast between militarist-nationalist and pacifist-internationalist programs, the general trend away from differentiated social and regional types toward a stereotyped mass, and the significance of modern preventive and educative repression of crime as an agency in the healing of social conflicts. Even the newer, least established parts of modern civic education exhibit the restless activity of society in substituting new allegiances and ideals for old.

CARL BRINKMANN

See: CITIZENSHIP; OBEDIENCE, POLITICAL; LAW ENFORCEMENT; PATRIOTISM; NATIONALISM; INTERNATIONALISM; REGIONALISM; ANTICLERICALISM; ASSIMILATION, SOCIAL; AMERICANIZATION; EDUCATION; PROPAGANDA; CONFORMITY; BOYS' AND GIRLS' CLUBS; CIVIC ORGANIZATIONS.

Consult: Weber, E. A., *The Duk-Duks, Primitive and Historic Types of Citizenship* (Chicago 1929); Hayes, Carlton J. H., *France, a Nation of Patriots* (New York 1930); Scott, J. F., *Patriots in the Making* (New York 1916); Gaus, J. M., *Great Britain, a Study in Civic Loyalty* (Chicago 1929); Sloane, William H., *Die politische Erziehung des jungen Amerikaners*, Schriften der Wheeler-Gesellschaft zur Erörterung von Fragen des deutschen und ausländischen Bildungswesens, no. i (Berlin 1914); Eckert, Christian, "Staatsbürgerliche Erziehung" in *Jahrbuch für Gesetzgebung, Verwaltung und Volkswirtschaft im deutschen Reich*, vol. xxxvi (1912) 1321–63; Clough, Shepard B., *Making Fascists* (Chicago 1930); Harper, S. N., *Civic Training in Soviet Russia* (Chicago 1929).

CIVIC ORGANIZATIONS.

Civic organization is the generic term applied to any nonpartisan group of citizens who have associated themselves for the furtherance of some public cause or enterprise. Such organizations multiply their numbers in accordance with the increasing complexity of political, social and economic relations; hence they are most numerous in urban areas where this complexity is greatest. In large communities the individual citizen feels a sense of helplessness in the protection of interests which may be affected by public action. His business, his property, his means of getting to and from his work, his family life, his health, his recreation and his personal liberty may be adversely touched by the laws and ordinances unless he has organized to forestall such action.

Nearly all civic organizations, therefore, are pressure groups. This does not mean, however, that their purposes are necessarily selfish. On the contrary, the aims of many civic organizations are related to the ideals and not to the self-interest of their members. The objective may be one immediately to be reached, such as the voting of bonds for a new city hall, or it may be some distant goal, such as the carrying out of a new city plan. It may be an objective which concerns only a small section of a single municipality or it may be one which attracts support on a nation wide scale.

In some measure the growth of civic organizations has been due to the shortcomings of democratic government under the party system. It is the theory of democratic government that the individual citizen can exert a sufficient influence upon the direction of public policy through his membership in a party organization supplemented by his right to a free exercise of suffrage at the primaries and at elections. This assumption may have been warranted in earlier days, when the public authorities concerned themselves with relatively few, simple, easily comprehended problems of a political nature. Under the conditions of today, however, the problems of public policy are neither few, simple nor easily comprehended. This is especially true of the cities. What we call problems of politics are for the most part problems of economic and social amelioration. On such issues the membership of a political party is divided and subdivided into almost innumerable smaller groups of interest and opinion which do not feel that they can function effectively through the major organization.

Many civic organizations, indeed, owe their existence to the perversions of party government, especially in the large municipalities. Party machines, when they get control, place the advantage of the politician above the interests of the citizen. The result is that men devoid of administrative skill and training are put into positions of large responsibility. Popular distrust in the capacity of municipal and state officials is the mainspring of that host of civic organizations whose objectives are to keep taxes down or to prevent needless borrowing on the public credit or to endorse candidates or to insure honest elections or to keep close tab on the award of contracts or to secure the publication of assessment lists.

While it is possible to group American civic organizations under several headings, it must be borne in mind that no classification can be hard and fast, for there are many organizations which shade over the line from one type into another. It is also to be remembered that while an organization may profess a certain creed of aims and purposes its activities may be in fact considerably removed from the purposes declared. The Tammany Society or Columbian Order, to take a conspicuous example, is still by profession an organization engaged in work of social benevolence.

First, there are certain organizations which may be called semi-official because their membership consists entirely or almost entirely of persons who hold positions in the public service. Sometimes they are intercity organizations such as associations of mayors or of city managers. Within individual cities, moreover, there are organizations of public school teachers, policemen, firemen, street employees and so on. The activities of these organizations are in part constructive but in larger part protective. They aim to acquaint their members with new developments in their respective fields of work and thus to promote group efficiency, but they are more deeply concerned as a rule with the securing of increased pay, fewer hours of work and the protection of their members against unjust dismissal.

In many cases these organizations are to all intents labor unions and some of them are affiliated with the American Federation of Labor. This affiliation is regarded as unobjectionable in the case of street employees and workers in the other physical departments of municipal administration such as buildings, parks and sanitation. But in the case of school teachers it has sometimes been frowned upon by the educational authorities, and as respects policemen the objections to outside affiliation are deemed so strong that in many cities it is forbidden. In the United States there is no general federation of municipal employees' organizations similar to that which has been built up in Great Britain as the National Association of Local Government Officers.

The higher administrative officials in American cities have, however, created various national organizations for the discussion of their own special problems. Thus the International City Managers Association includes most occupants of this position in the cities of the United States and Canada. Heads of municipal departments have such associations as the American Institute of Park Executives, the American Society for Municipal Improvements, the International Association of Street Sanitation Officials, the International Association of Chiefs of Police, the American Association of Port Authorities and many others of the same sort. These organizations hold meetings annually or oftener with papers and discussions on matters of professional interest. Some of them have their own periodical publications.

Other semi-official organizations draw their membership in part from the higher administrative officers of the cities but in larger part from those lay professions which come into frequent contact with municipal administration. Such, for example, are the National City Planning Conference, the National Conference of Social Work, the American Waterworks Association, the National Tax Association and the American Public Health Association. These bodies draw into their conferences large numbers of professionals and laymen who are especially interested in landscape architecture, social work, water supply, taxation and public health respectively.

One of the notable developments of the past quarter century has been the new emphasis placed upon scientific research as a pathway to civic betterment. This development began in 1906 when the organization which was incorporated the next year as the New York Bureau of Municipal Research began to undertake thorough studies of various civic problems chiefly of a technical nature. The results of such studies were used in two ways: first, to show public officials the opportunities for improvement within their own departments, and second, to educate the municipal citizenship in matters which are too complicated for the average voter to understand without guidance. The success of the work of the New York Bureau soon led to the establishment of similar research bureaus in other cities, some of them supported by private contributions, others maintained by regular appropriations from the public treasury. Most of the larger American cities have now provided themselves with organizations of this character although they are sometimes known as Bureaus of Public Efficiency or Bureaus of Public Administration. Meanwhile the New York Bureau undertook to carry on investigations and to make surveys in other cities when requested to do so. In this way its work enlarged to a national scale and it changed its name to the National Institute of Public Administration.

The value of research as the initial step in any proposed civic betterment became recognized by some of the larger chambers of commerce, taxpayers' associations and citizens' leagues. In most of the larger cities the chamber of commerce now maintains a committee on municipal or on metropolitan affairs with research facilities as a basis for its work. Some taxpayers' organizations, such as the California Taxpayers' Association, make research their chief activity and devote to it large appropriations each year. Various state leagues of municipalities have also provided themselves with research departments. Finally, there has been set up in Washington an Institute for Government Research maintained by private contributions with the object of making thorough studies into the mechanism and methods used by the national government in carrying on its varied activities. It has published a large number of books and service monographs embodying the results of its studies.

The rapid development of these institutions of governmental research all over the country disclosed the need for some central organization which would serve as a clearing house to prevent needless duplication of work by the individual bureaus. For this purpose the Government Research Association was organized. It is made up of governmental research bureaus and institutes throughout the country, holds an annual conference and endeavors to correlate the work of its constituent members.

A third and very large group of civic organizations consists of those which are maintained for the purpose of promoting specific measures of governmental reconstruction and reform. These specific purposes cover a wide range and are of such variety that it would be impossible to make any comprehensive classification of them. A few examples, however, will serve to indicate their scope and methods.

Nearly all problems of government have financial implications and most of them have a bearing upon the tax rate. Hence the largest single category of civic organizations is made up of those which have as their principal aim the continuous scrutiny of public expenditures with a view to inducing economies and keeping the tax rate within bounds. There are taxpayers' leagues or associations in most of the states as well as in nearly all the larger cities. These leagues differ greatly in organization and in the methods which they employ. Some are mainly concerned with the definite and immediate problem of keeping the tax rate down, others with a reform of the tax laws, still others with the task of getting better returns for existing public expenditures. In this connection mention should be made of the real estate exchanges and realtors' associations whose members have a special interest in the rate of taxation on real property and in the methods by which special assessments are levied to pay for public improvements. A few taxpayers' organizations have as their objective the substitution of one type of tax for another, particularly the substitution of income taxes for taxes on intangibles. A few are propagandists for the adoption of the single tax.

Another large group of civic organizations is composed of those which are concerned with the specific problem of improving the personnel of public administration by the more extensive use of the merit system. They are known as civil service reform leagues or auxiliaries, and most of them are affiliated with the National Civil Service Reform League. Unconnected with these organizations but with much the same ends in view is the Bureau of Public Personnel Administration, a privately supported institution which renders advisory assistance to state and local civil service commissions in the administration of the merit system.

Nearly every serious problem in state or local government provides the incentives for a civic organization to help deal with it. Thus the problem of securing a wieldy ballot at elections has given rise to the Short Ballot Association, while the quest for an adequate representation of minorities has resulted in the formation of the Proportional Representation League. There are national organizations to promote the adoption of the initiative and referendum (National Popular Government League) and to prevent the granting of too favorable franchises to public utilities (Public Franchise League). Another national organization is engaged in promoting the cause of municipal ownership (Public Ownership League of America). There are also a National Smoke Prevention Association, a Playground and Recreation Association of America, a National Housing Association and a National Highway Traffic Association.

In individual cities, moreover, there are local problems which seem to call for organized effort on the part of those interested; hence the large number of civic associations with aims which are specific, local and immediate, such as harbor improvement, the abolition of grade crossings, the launching of a publicity campaign to make the city better known, the annexation of some neighboring municipality, the adoption of an improved system of traffic regulation, the abatement of some specific nuisance and so on. From city to city these organizations differ greatly in number and in their specific aims. Many of them, moreover, have objectives which concern only a small portion of the municipality, usually some outlying section.

Chambers of commerce, boards of trade and merchants' associations are organized primarily to promote the interests of business within their respective communities. They endeavor to attract new industries, to exploit the commercial advantages of the region and to enhance the local business prosperity by every legitimate means. To secure these results, however, it becomes essential that the local tax rates shall not be excessive and that the borrowing power of the municipality shall not be injudiciously used. Hence these commercial organizations find themselves drawn into contact with the public authorities on questions relating to budgeting, borrowing and new sources of public revenue. Usually they maintain special committees which represent the interests of the organization in all such matters and the part which they assume in the molding of public policy is often a very large one, especially in the smaller cities. The same is true of the so-called service clubs—Rotary, Kiwanis, Lions, Optimists. Although their aims are not primarily civic in the customary sense of the term they are often mobilized to promote some public proposal, such as a bond issue or a new charter. Since the adoption of woman suffrage, moreover, there has been a rapid growth of women's civic leagues and similar organizations.

Finally, there is the broadly reformist type of civic organization, including all those which do not seek to bring about some individual or specific result but are impartially concerned with the improvement of public administration in its manifold phases. The National Municipal League and the American Civic Association are examples of such organizations on a national scale. Similarly there are many state organizations whose function is to procure betterments in the structure and methods of state and local administration. Virtually all of the larger cities and many of the smaller ones have civic organizations of this type which function within the municipal boundaries. Such are the Good Government Association of Boston, the Municipal Voters' League of Chicago, the Civic League of Cleveland and the Municipal League of Los Angeles.

A word ought to be added concerning those titular civic organizations which merely serve as screens behind which self-seeking private interests are able to operate in the name of moral uplift or civic patriotism. Such bodies, with alluring names, are active in all parts of the country. They are financed in each case by a few corporations or individuals with selfish ends to serve but who naturally find it advantageous to push their propaganda under the cloak of altruism while they themselves remain out of view.

Comparing the situation in the United States with that which exists in the countries of Europe one finds that American civic organizations are much more numerous, more varied in their activities and more energetic in their work. The reasons for this may be found partly in the American penchant for organization and partly in the strong individualism which characterizes American public policy. In European countries the tendency is to let officialdom take the initiative rather than to have it assumed by groups of private citizens. The collectivist and paternal spirit in European government has procured for the people at the hands of the public authorities many things which in America have been left to private auspices. Of considerable importance, moreover, is the European practise of using lay citizens on official boards and commissions to represent such business or sectional interests as may be directly or indirectly involved. Finally, the need for group pressure upon government in the interest of economy, honesty and decent administration has not been so great in Europe as in the United States. Civic organizations to cope with such sinister phenomena as the spoils system, police corruption, public extravagance, dishonesty at elections, the debauchment of local politics by public utility corporations, tax evasion, crime waves, ring rule, bossism and the rest—such organizations have not been urgently needed in Europe because the conditions which called them into existence here have rarely existed there.

The methods used by civic organizations in the United States are as varied as their names and purposes. But in general there are three channels through which they all seek to operate. The first is by a liberal use of printers' ink. Some of them have their own regular publications which are sent free to their members. Others get out pamphlets, circulars and booklets from time to time and distribute these widely. This activity is customarily known as a campaign of education. A second method is the focusing of direct pressure upon congressmen, members of state legislatures and city councilmen. Through paid officials or by delegations of members the various civic bodies appear before legislative committees or at public hearings to urge their aims or to voice their protests. Most of them make it a point to follow closely all projects of legislation and the larger organizations often retain salaried legislative agents or lobbyists for this purpose. Pressure is also exerted upon the legislators through indirect channels—by stirring up voters in their home districts to send telegrams and letters of advocacy or protest, by communications to the newspapers, by the procurement of editorials and often by enlisting pressure service from financial institutions which can influence individual legislators. A third method is by active participation in the nomination and election of candidates for public office. Some civic organizations inspire and arrange candidacies; others content themselves with endorsing or publicly stating their disapproval of such candidates as are put forward by the party organizations. This action may be and usually is followed up by campaign work and contributions to secure the election of those who have been endorsed.

The civic organizations of the United States run far into the thousands. Their combined membership must mount into the millions. Together they spend a very large amount of money each year. Yet the results which they have obtained and are obtaining do not seem to be commensurate with their strength and financial outlay. For this there are several reasons. To begin with, civic effort is overorganized in America. There is a considerable duplication and overlapping of work, involving a waste of energy and funds. There has been much working at cross purposes. Many organizations have purposes which clash with one another—for example, one of them seeks to shorten the ballot by reducing the number of elective offices, while another by promoting the use of the initiative and referendum would inevitably lengthen the ballot. One civic organization works energetically for some public improvement which would put taxes up, while another is equally vigorous in its efforts to keep taxes down. Much organized civic effort is thus dissipated through activities which merely neutralize one another.

Another reason may be found in the relatively ineffective leadership which many civic organizations have had. This leadership has not combined idealism with practicality. The leaders of reform in all its branches are for the most part men and women who do not depend for their livelihood upon the success of their adventure and hence do not usually make it their first care in life; they rarely become masters of the subject with which they are assumed to be concerned and they sometimes devote to one another a good deal of animosity which ought to be concentrated upon a common foe. The tactics employed by civic organizations, moreover, have often been unwise. They have lacked adroitness and political sagacity—seeking often to gain in a year what requires a decade of time or endeavoring to attain the whole of a reform without patiently taking the preliminary steps. The work of civic organizations, moreover, has often been spasmodic, going by fits and starts, while the opposing forces stay on their task continuously. Nevertheless these organizations have accomplished much. It is to their activity that we owe a large part of the improvement which has taken place in the temper of American public administration during the past generation.

William B. Munro

See: Government; Municipal Government; Politics; Power, Political; Interests; Lobby; Chambers of Commerce; Propaganda; Research; Civic Education; Group; Association; Pluralism.

There is no book on American civic organizations. A list of the more important ones, with a brief statement of their purposes, may be found in the Municipal Index and Atlas, published annually in New York since 1924.

CIVIL DISOBEDIENCE. *See* Indian Question; Obedience, Political.

CIVIL LAW. The term civil law has been understood in various ways. Generically it designates all the rules of law governing the members of a given political state (*jus civitatis*). In this sense civil law comprises all the juridical rules which govern the relations of men in civil society. It is thus practically synonymous with the concept of law itself, and in this aspect it will be treated in the general article on law (*q.v.*) and in the articles devoted to the various branches or systems of law. The term civil law is used here in the sense which it began to have in the Middle Ages when it was applied to the revived but transformed Roman law which was being introduced into the continental countries. It was not long before civil law meant to Europeans "private" law (the law governing the ordinary relations of private individuals), probably because the Roman law which formed the basis of their civil law was particularly distinguished by its great degree of development in dealing with private relations. The basis of this civil law, while fundamentally Roman, will be seen, nevertheless, to contain many other elements derived chiefly from the canon law, Teutonic laws and feudal laws as they gradually underwent modification in the course of the centuries. The civil law has "common law" as well as statutory phases. But to the common law lawyer it means simply the Romanized system of continental law in contradistinction to the system of common law which developed in England. It is only rarely that he uses the term civil law in the sense of private law.

Civil law has received not only its fundamental elements but its name *jus civile* from Rome. When the barbarian invasions began to sweep over the Roman Empire, the Roman law had entered upon a period of codification by means of imperial constitutions, a process which was comparatively unimportant in the classical Roman law. Although the Twelve Tables have usually been considered the origins of Roman private law, it had in reality been developed less by legislation than by the magisterial edicts and the *responsa prudentium*. But in 437 A.D. the Byzantian emperor Theodosius II proceeded to carry out a codification of imperial law, since known as the Theodosian code, which was promulgated not only in the western empire but in the eastern as well. In 533 A.D. the emperor Justinian published the great code which has ever since borne his name. Both these codes integrated as positive law those portions of the older law which it was felt desirable to preserve. These codifications of Roman law at the dissolution of the empire were probably fortunate, but neither became accepted directly as the law of the invaders until the passage of many centuries.

In the sixth century, after the first wave of the barbarian invasions, the Roman subjects of the empire were allowed to live under their own law as far as their relations among themselves were concerned. This was perhaps the most important factor in keeping the Roman law alive, making intercourse with Byzantium possible and keeping more or less alive a knowledge of the Justinian compilations until the Roman schools in Italy began to flourish. Indeed, for the conquered Romans debased statements of Roman law were made which in time began to subvert the law of the barbarians. Examples of these bodies of law are the edicts of the Ostrogothic kings, the *Lex romana burgundiorum*, the *Lex romana visigothorum*. The last, also known as the *Breviary of Alaric*, compiled in 506 by order of King Alaric II, consisted chiefly of extracts of the Theodosian code, and while in force only in Gaul and, until 642, in Visigothic Spain it was for centuries the chief source of Roman law in great parts of Gaul.

Probably to meet the competition of the written Roman law the Teutonic invaders proceeded at the same time to reduce their own laws to written form, the so-called *leges barbarorum*. Such codes of Visigothic, Salic, Frankish, Burgundian and Longobardic law date from the fifth, sixth and seventh centuries, but since they were already permeated with Roman law they can hardly be called barbarian laws. Although in the great Frankish empire which extended over the greater portion of western Europe there was a rebirth under the Carolingians of the essential notions of public law, which seemed to have disappeared completely with the decline of the Roman Empire, the application of law remained personal and local. Indeed, under the Franks grew up that regime of the personality of laws which was so prominent in the early Middle Ages. While this idea of the individual being entitled to his own law may have theoretically permitted along with the Roman law a parallel development of national systems of law, so that a barbarian law, particularly a Germanic law, could arise, first to compete with the Roman law and then to fuse with it, actually no such process was likely to take place. The *leges barbarorum* themselves were actually written in Latin. Even in the important *Lex salica*, the most purely barbarian document, characteristically primitive procedures can be found, such as tables of penal rates existing side by side with the private vengeance so widespread among all peoples at this stage of development, as well as some institutions of private law which are nowhere to be discovered among the ancient Germans. Other of the *leges barbarorum* are certainly not codifications of ancient popular customs. Indeed, the greatest code of Visigothic Spain, which took form in the seventh century, was a compound of Roman, Gothic and canon law elements and governed the whole population until the coming of the Moors. This code came to be known as the *Forum judicum* or the *Fuero juzgo* (the law of the judges).

Yet, despite the regime of personal law, it was in the Frankish empire that the peoples of this time came closest to developing a coherent system of national law. New law was being created by imperial capitularies, and a system of imperial courts to which appeals were running was acting as a unifying and centralizing influence. It was the absence of central royal courts and a process of continuous legislation which made the legal systems of this period so unsatisfactory and explains the eagerness for the books containing the system of Roman law. Had the empire of Charlemagne not collapsed, the legal history of western Europe would have taken an altogether different course. As it was, even the *leges barbarorum* became inapplicable as the tribes merged and lost their separate identities. A period of local jurisdiction was inaugurated, and the population of Europe began to live by local customary law. Due to the necessities of feudalism, each body of customary law became uniform at least within its region, and the regime of the personality of law yielded to that of the territoriality of law.

The Ostrogoth kings of Italy ruled their subjects with Roman law. The laws of the Lombards became more and more Romanized and Christianized. Thus in northern Italy the law was preponderantly Teutonic while in central and southern Italy it was preponderantly Roman. The same was true in France where the south was known as the *pays du droit écrit* and followed Roman law, and the north was known as the *pays du droit coutumier* and lived by a new local law. However, the Roman law served to fill the gaps in the customs. The customary law under which mediaeval Germany lived was born and developed on Frankish soil. By the thirteenth century many of the bodies of customary law compounded of various elements were put into written form either by private compilers or upon royal command. Among the most celebrated of these customs are the *Coutumiers de Normandie*, the *Établissements de St. Louis* and the *Coutumes de Beauvaisis* in France and the Sachsenspiegel and Schwabenspiegel in Germany.

Several unifying influences in the law of mediaeval Europe must, however, be taken into account. These were feudal law and canon law. While the former tended to integrate the law within the limits of each territorial state, the latter tended to give it universal validity. Feudal law took its place beside civil law because it dealt with the relations prevailing between members of groups (suzerain and vassals) and with the conditions of tenure. But since the feudal system flourished free from admixture with previously existing laws and feudal laws very seldom became incorporated into statutes, when the feudal system finally broke up it left traces merely in the economic system. The fiefs, manors and other tenures were gradually assimilated to the law governing the divided domain. The feudal land concepts of *dominium eminens*, or eminent domain (the political and economic right of a feudal superior in land not under his direct and immediate control), and of *dominium utile*, or beneficial ownership, were modified and received into the civil law by the Romanists of the thirteenth century. The feudal law was substantially uniform, despite the lack of central judicial or legislative organs, due to the force of similar underlying conditions leading to the evolution of the *Libri feudorum*, a code of feudal law that became authoritative in many parts of Europe. In the final analysis, however, it cannot be said that feudal law was of significance in organizing a land holding system destined to be supplanted.

The canon law, on the contrary, played a far more important and permanent part in the evolution of the civil law. It supplemented and enriched the civil law with conceptions lost during the early Middle Ages and thus served as a link between Roman and modern law. Apart from its revival of true concepts of public law the canon law made great contributions to the development of family law, which was organized as a corollary of the Christian sacrament of marriage, much as among the Romans it had been made to depend upon the ideas of the *patria potestas* and the *justae nuptiae*. Furthermore, the canon law stimulated the development of the law of contracts and obligations, impregnating it with the ideas of equity and good faith; and to the influence of the canon law must also be attributed the creation of a coherent rational system of procedure. With the decline of the canon law the civil law fell heir to great portions of modernized Roman law.

Moreover, with the growing importance of commerce at the end of the Middle Ages it became evident that seigniorial customs and institutions were juridically incapable of coping with the situation. Thus a new field was opened for the civil law. Municipal charters and statutes laid the rudimentary basis of what was to become a *jus mercatorium*. But it was again the Roman law which provided the necessary variety of contracts and agreements, from which new types could be created. The system of commercial law which was developed was not, however, absorbed as part of the general civil law as in common law countries. It was treated rather as a separate branch of law and stated in special codes of commerce.

Under the impetus of the new integrating forces in the life of Europe the civil law reached the height of its development in the twelfth century when the law books of Justinian, which had hitherto been in force only in the Byzantine Empire, were received in the west. Their acceptance was assured by the work of the great schools of law in Italy, of which the most famous and important was the school of Bologna. These schools reworked the whole body of Justinian legislation with the exception of the Greek *Novellae*, and the compilation of Justinian became the generally accepted *Corpus juris civilis*. The first school that arose was that of the glossators (*q.v.*). They looked upon the Roman law as the civil law par excellence, almost as a kind of revealed law. Their work culminated in the great gloss of Accursius. By their exegetical method they sought to establish the pure Roman law and make it applicable to their own time. But unfortunately they regarded their jurisprudence as universal and permanent when in fact it did not fit the needs of mediaeval life. The school of the glossators was followed by that of the commentators (*q.v.*), whose greatest exponent was Bartolus. They sought by a dialectic method to meet the needs of their own time, but soon they too fell into a subtle and sterile scholasticism. It was not until the rise of humanism that a new historical school of jurists began to study the texts simply as philological and historical documents against their real classical background. Theirs was a protracted labor, which in the course of four centuries was to succeed in making the Roman law the common law of Europe.

The vogue of the Roman law as expounded in the schools was so great in mediaeval Europe that its influence was even felt for a time in England. Vacarius came to England from Bologna in 1149 to teach it but was forbidden to do so by King Stephen. A writ of 1234 forbade that it be taught in London. Nevertheless, numerous traces of it can be found in the common law. Bracton's famous treatise on the laws and customs of England written about 1236 exhibits a great deal of Romanic learning. Chairs of civil law existed in both Oxford and Cambridge, and the "civilians" left their mark upon the practise of the ecclesiastical courts, the admiralty and the chancery. In the sixteenth century conceptions from the Roman law helped to remold the common law in accordance with the needs of a modern state. The existence of a centralized system of courts ready to deal with controversies according to established methods made possible, however, the assimilation of alien materials in accordance with the native system.

But the work of the schools of Roman law made all but inevitable its general reception in all but the remote continental countries. In Italy, the home of the schools, the result was never in doubt. Yet paradoxically the Roman law was often officially repudiated precisely where its influence on institutions and customs was greatest. As a result of the claim of the German emperors to extend their authority over all territories where Roman law prevailed its teaching was forbidden in Paris from 1219 to 1679. Nevertheless, it may be said generally that the Roman law was nowhere more completely naturalized than in France. At first common usage had filled in the gaps in the territorial laws, copying completely whole sections of Roman law, but beginning with the end of the thirteenth century attempts at a fusion of these sources became evident. It was the jurists who, not capable of openly appealing to Roman law, undertook this synthesis. Thus customs were modified so much in the direction of Roman law that the latter as well as the customs conforming to it were named *droit commune*; while those which were contrary to it were named *droit haineux*, meaning that they were incapable of being extended by analogy. At the time of the official redaction of the customs certain commentators did not let slip by the opportunity of introducing as much civil law as possible.

During this period the term civil law was used more and more specifically to designate private law. By the seventeenth century under Cartesian and classical influences the law gained in clarity and precision. Along with the usual commentaries the jurist Domat offered a synthesis of the law in the guise of abstract, purely rational regulations actually derived from Roman law and applicable to private law (*les lois civiles dans leur ordre naturel*) as well as to public law, constituting perfect types of the juridic conceptions prevailing at the time of Louis XIV. Others, for instance Claude de Ferrière, and Pothier in his *Pandectae*, busied themselves with a methodical study of the content of Roman law, enabling its utilizable portions to become incorporated into French law. The other works of Pothier definitely brought about the fusion of that which was best in custom and in the Roman law. His treatises on obligation, property, servitude, etc. seem to be based exclusively upon Roman law. The edict of St. Germain in 1679 made this possible by ordering the teaching of the civil law and by creating, parallel with it, instruction in French law. Royal legislation full of the same spirit carried on the work of codification—the *grandes ordonnances*, or codes, of Louis XIV concerning civil procedure (1667), criminal procedure (1670), waters and forests (1669), commerce (1673) and maritime law (1681); and those of Louis XV concerning gifts (1731), wills (1735), entails (1747).

In Spain, despite a certain disposition adverse to the Roman law in favor of the indigenous law, which was partly derived from it, the Roman law made itself felt, if not in all the local *fueros* at least in the common codes, as, for instance, the ancient *Fuero juzgo*. The Roman law triumphed definitely in the great code of Alfonso X of Castile, called the *Siete partidas*, a restatement of Romano-canonical law which took form between 1256 and 1265. It was promulgated by the *Ordenamiento d'Alcala* of 1348 as subsidiary law in cases where the local or royal *fueros* were insufficient. The history of the development of the civil law in the Iberian peninsula is as yet little known. But on the whole the codes or collections of later law both in Spain and Portugal, i.e. the Spanish *Ordenanzas reales de Castilla* (1484), *Leyes de Toro* (1505), *Nueva recopilación* (1567), and the Portuguese *Ordenaceos alfonsinas* (1456), *Manuelinas* (1514) and *Filippinas* (1603), confirm the view that Spanish juridical institutions drew their inspiration from Roman law.

The reception of Roman law was delayed in Germany until the fifteenth century, when it was finally adopted as the general subsidiary law. The causes of the reception may be said to have been the inadequacy of the existing judicial system, the influence of the learned jurists who came to displace the lay judges in the courts and the theory of continuous empire which fitted in with the political aspirations of the times. The law of Justinian, already theoretically the legislation of the Holy Roman Empire, was received *in complexu* as the common law of all its dependencies. The imperial chamber of justice (*Reichskammergericht*), created in 1495, thus accepted only the Roman-canonical procedure, the decrees of the emperors and the *Corpus juris civilis* solely according to its interpretation by the Bartolists. The civil law was accorded primary authority, and the municipal and national statutes which in principle should have been given the preference were interpreted as strict law, not extending beyond the cases expressly under their terms, the burden of proof being put upon whomsoever relied upon them. This law extracted from the gloss, interspersed with elements of custom, with commentaries made by German jurists, called variously *Usus modernus pandectarum*, *Heutiges römisches Recht*, *Pandektenrecht*, was far removed from the law of Justinian. The influence of the historical school, however, did a great deal to elucidate and reject the incoherent elements in the law. Attempts were also made to remedy the situation by codes such as the Bavarian codes of 1616 and of 1756, based upon Roman law, the code of Joseph II completed in 1811 and the Austrian *Codex theresiana*, which, however, was never applied. In Prussia Frederick the Great ordered the compilation of a code which was later to have great influence in Germany, the *Allgemeine Landrecht* finally completed in 1794. By the nineteenth century German philosophy and nationalism brought about a reaction. Romanists and Germanists were in conflict. But Savigny and his disciples, by pointing out the difference between the pure Roman law and the *Pandektenrecht*, hastened the coming of the codes which they opposed.

It was the nineteenth century which marked an era of codification (*q.v.*) in the civil law. Already begun in some countries it assumed during the French Revolution a new importance and significance. Louis XI had dreamed of a code based on custom; Henri III had caused the preparation of a code of the law contained in the *ordonnances*. Since Dumoulin the jurists had labored to establish a common law based on usages. In the time of Louis XIV Lamoignon had drawn up a project for a civil code which came to naught; it was the celebrated *Arretés*, of which the ordonnances of Louis XV were a fragmentary realization. But in 1791 the Constituent Assembly decreed that "there shall be made a code of civil laws common to all the realm." After many attempts emerged the famous *Code civil* (*q.v.*) in 1804, at various periods also called the *Code Napoléon*.

The *Code civil*, expounded by a series of remarkable commentators, opened an era of codification in France. The *Code de procédure* *civile* appeared in 1807, *Code de commerce* in 1808, *Code d'instruction criminelle* and *Code pénal* in 1811, *Code forestier* in 1827; an attempt is now being made to supplement these by a *Code du travail* and a *Code rural*. The *Code civil* has also been more imitated in other countries than any other legislative work since the Roman laws, upon which, indeed, it is partly based. Troplong called it the common law of the nations and Thiers the law of civilized nations. Many regions of Europe which then formed parts of the French Empire accepted it almost as soon as it appeared, either in its original form or closely copied. Such countries as Holland, Poland and Rumania owe much to it. Egypt has been for half a century a country of French law, which constitutes the common law of foreigners in the valley of the Nile. But particularly countries of Latin civilization have yielded to its influence; the codes of Belgium, Italy, Spain and Portugal derive from it. The Latin American countries of the New World have based their jurisprudence upon it. The province of Quebec has naturally adopted many of its provisions. In the United States Louisiana provided herself after 1825 with a civil code very closely resembling that of France.

The Germanic countries at first drew in large part from French codes. The *Code civil* was in force in Westphalia, Hanover, Frankfort and Nassau during the Napoleonic era, and a modification of it was retained in Baden under the title of *Badisches Landrecht*. The Saxon Civil Code (1863), the Prussian law of bankruptcy (1855) and the Code of Commerce (1861) adopted by all the German states in 1866 were later models of French codes. But with the renaissance of jurisprudence in Germany under the empire appeared more original German codes. After many years of discussion among German jurists there was finally created the *bürgerliches Gesetzbuch*, or German Civil Code (*q.v.*), of August 18, 1896, put into effect on January 1, 1900. It represents an attempt at a scientific code based upon logical categories. After its introduction the German civil code competed with the French code for adoption in other countries. It influenced revisions or drafting of codes in whole or in part in Switzerland, Greece, Turkey and Japan. The Japanese civil code of 1896, especially, is drawn upon the model of the German civil code. The French and German civil codes, while resembling each other in their arrangement, differ doctrinally in many respects.

Scholars have often lamented the absence of any general history of European law. For, however diverse particular rules of law may be in different European countries, the civil law is a system with common characteristics and an autonomous spirit. With its rival, the common law, it is one of the two great legal systems which have competed for juristic supremacy all over the world. The great codifications of the nineteenth century may be said to express the maturity of the civil law as a system. Codification itself was in harmony with its spirit. Deriving from the Roman law, which in its final shape had been reduced to written form and given imperial sanction, the civil law lent itself readily to authoritative restatement. Developing under political conditions which made for disunity, in order to continue to exist it had to become itself a bond of unity. In the absence of central court systems it could appeal less to authority than to reason, and thus it became a law of the books. Its strength has thus lain in the logical development of general concepts, and philosophy has always played a great part in its continuous development—for instance, the idea of natural law and of equity and the idea of the individual will as the basis of all legal transactions. Expecially has the civil law placed greater reliance upon the activity of the jurist than of the judge. Quite naturally therefore decisions in civil law countries have had no direct force as precedents, being regarded at the most as persuasive. The legislator, not the judge, has been regarded as the creator of new law. Politically the civil law, developing under the absolutist traditions of monarchy and empire, has tended to encourage the supremacy of the legislative and administrative rather than the judicial organs of the state, and no doctrine of the "rule of law" has entered into the legal system as a guaranty of individual freedom. The state has tended thus to maintain a position of supreme competence.

But certain new tendencies are now appearing in the civil law. Despite the theory of the primacy of the state with its corollary that all law emanates from the general will, jurists have admitted such a multiplicity of legal sources, consisting not only of written law and custom but of case law and doctrinal authorities, that uncertainty and arbitrariness have been introduced into the objective legal order. The result has been a growing movement in favor of giving obligatory force to judicial precedents. On the other hand, as a result of German influence, there has appeared a prejudice in favor of applying the geometric method to juridic technique and especially to the codifications. Treated in this way the latter have ceased to be regarded as literary texts and they take on the scientific appearance of axioms and theorems. Thus, as a result of an excess of logic, difficulties have begun to impede the acceptance of jurisprudential sources at a time when they should preponderate. Closely connected with this has been the revival of a certain formalism in the substantive law, intended to permit the more rapid consummation of legal transactions. This is contrary, however, to the individualism of the civil law.

Indeed, the civil law is undergoing a marked transformation in the direction of socialization. In their demagogic character the changes in the codes generally approach the imperial constitutions of the Byzantine Empire, tending to bring into existence a law of classes. They are the result of socialist doctrines impregnating the minds of legislators with a romanticism hostile to an objective moral and juridical order. Due to the rupture of the ideal of juridic equality these socializing laws often have antisocial effects. There is an increase everywhere in the types of laws to the advantage of the state and the masses but to the detriment of the individual. Civil law in the sense of private law is in danger of disappearing. Private legal transactions, because of their socialization, are on the verge of being absorbed into public law.

J. Declareuil

See: Law; Rule of Law; Courts; Roman Law; Customary Law; Canon Law; Reception; Codification; Corpus Juris Civilis; Code Civil; German Civil Code; Legislation; Judicial Process; Case Law; Common Law; Commercial Law; Criminal Law; Family Law; Administrative Law; Public Law.

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CIVIL LIBERTIES. Civil liberty is a concept, basic to modern political thought, which in its most general usage connotes the freedom of the individual with respect to personal action, the possession and use of property, religious belief and worship and the expression of opinion. This freedom is conceived to imply a right to protection against both governmental and private interference, but it is essentially a right of the individual as against the authoritarian state.

The despotisms of the ancient world, in which an absolute ruler exercised unrestricted power over the lives, property and actions of his subjects, had no room for the concept of civil liberty. Even under the sophisticated governmental systems of the Greeks and Romans the concept was unknown. Greek democracy at its height and Greek political philosophy as expounded by Plato and Aristotle subordinated the individual to the state. The state did not exist for the citizen but the citizen for the state. For its good no sacrifice imposed on the individual was too great. And while the Greek democracy endowed citizens with a wide measure of political control by placing ultimate governmental power in their hands, it accorded the individual no civil liberty beyond the reach of that power. In like manner the Romans approached at times a political democracy. But the power thus popularly exercised knew no limits set up by any concept of individual right or civil liberty.

Nor could a conception of individual liberty find place in a feudal society, where the important rights, duties and obligations were those mutually obtaining between lord and vassal and where the social order was essentially founded on contract. Liberty could mean only immunity from burdens or duties, but as such it could frequently be secured by barter or purchase. The development within the feudal system of the technique of bargain and contract undoubtedly influenced to some extent the methods by which civil liberty was later secured.

Civil liberty is essentially a modern concept, closely allied ideologically with the philosophies of individualism and liberalism, intimately bound up in its development with the circumstances of the growth of the middle class and its economic and social dominance. Two forces at work during the Middle Ages helped lay the foundation for this development. Christianity emphasized the doctrine that the citizen himself might have duties and obligations higher than those imposed by temporal rulers and thus created a philosophy which could regard resistance to constituted authority in certain cases as an act of piety rather than of heresy. Thus it prepared the way for the development of a natural rights philosophy. Secondly, the growth of the national state, with an area so large and interests so heterogeneous that resort to the principle of political representation was inevitable, emphasized the fact that the individual citizen was a person distinct and apart from the state and with interests and privileges of his own.

The struggle for civil liberties began in England as a phase of the struggle of the feudal lords to maintain a degree of autonomy in the face of encroaching centralization; it became bound up with the fight for representative government, and the privileges and rights won by limited groups were gradually extended in their application to all classes within the nation. In this generalized form the idea of civil liberty became embodied in doctrine and spread to other countries. Most important for the influence of the doctrine was the fact that the principles of civil liberty were embodied in documents which later provided the rallying cries so necessary to the cause of civil liberty propaganda.

The earliest and most notable of these documentary statements of English civil liberty was

Magna Carta. Wrung from John by the barons of the realm in 1215 it did not purport to set up new rights but was rather a statement of the existence of certain rights, mainly those of the feudal nobility. It pledged the king to refrain from certain clearly arbitrary acts; it forbade the sale of justice; and it provided that no man should be deprived of his property, imprisoned or banished save by the legal judgment of his peers and the law of the land.

The meager list of civil liberties protected by Magna Carta was enlarged by the Petition of Right reluctantly signed by Charles I in 1628 at one of the crises of his long struggle with Parliament. This also was limited in the scope of its guaranties to the actual liberties which had been infringed. It proscribed the billeting of soldiers upon the people, the trial of offenders by martial law, the collection of loans or taxes not sanctioned by Parliament and the imprisonment of any person without specific charge and orderly trial. It purported not to create new rights but merely to reaffirm existing rights which must not be violated.

A third great charter of English civil liberty emerged from the Revolution of 1688. The conditions under which William and Mary ascended the throne of the deposed James II were embodied in the Bill of Rights of 1689. Its most important provisions were the denial of royal authority to dispense with any law; the affirmation of the right to petition the crown with impunity; the forbidding of standing armies in time of peace without parliamentary consent; the declaration that elections to Parliament must be free from royal control or influence, that such elections must occur frequently and that the members of Parliament must have complete freedom of speech and debate in that body; and the denunciation of excessive bail in criminal cases. It was out of such specific provisions that the general doctrine of civil liberties developed.

During this very period the colonization of America gave a new force to the growth of civil liberties. The atmosphere of the new world was congenial to the preservation and enlargement of civil liberty. Many of the colonists came protected by charters or definite contracts, to which they could appeal as defense against arbitrary or oppressive measures. The British policy of making the colonies financially self-supporting, raising by local taxation the cost of administration as well as of colonial defense, contributed to this end. For the financial control thus resting in the elected representative assemblies enabled the colonies to bargain with royal governors and agents and to secure a measure of autonomy which exceeded in its generous proportions the orthodox "rights of Englishmen." By custom, by prescription, by bargain and acquiescence, the range of civil liberty grew apace and, when under a changed administration and a sterner policy the mother country sought to regain in the colonies the measure of control which English statesmen urged had never been lost, revolution burst forth. Thus the struggle for individual liberty connected itself with a struggle for national autonomy. This struggle was defended by a philosophy so compelling and embodied in a document so conspicuous that its influence in the world wide spread of civil liberty can hardly be exaggerated.

The philosophy of natural rights thus given prominence in the Declaration of Independence was an old doctrine. But when a philosophical defense was needed for the Revolution of 1688 it had been elaborated and given new form by John Locke with a cogency and skill which made it the basis for the political philosophy of succeeding centuries. The theory postulated the existence of an original state of nature in which all men were entirely free; government arose through the necessity of restraints upon freedom of action involved in community life and was based upon contract amongst the members of society. By this social compact certain rights, natural and inalienable, are forever reserved to the individual. All government rests on popular consent, and when government invades the natural rights of the individual the people are fully justified in overthrowing it and replacing it by one which will properly safeguard civil liberty.

It was the flexibility of this doctrine which made it so serviceable to the colonists in 1776 and so generally useful in developing the range of civil liberties. For the number of particular rights regarded by popular consensus as natural rights could always be enlarged, and in the course of time new rights or immunities have come to be deemed fundamental. The Declaration of Independence and the bills of rights of the various state constitutions of the United States contained lists of rights much broader than those in the three English charters of liberty. The Constitution of the United States, however, established as it was under the influence of a conservative reaction against the more radical leadership and philosophy of the revolution, did not originally contain any statement of the civil liberties of the individual beyond the meager protection against bills of attainder, ex post facto laws, punishment for constructive treason and laws impairing the obligation of contracts, and the assurance of jury trial in criminal cases. And when political expediency made the addition of a formal bill of rights desirable the list of guaranties comprising our first ten amendments contained few if any more than the recognized civil liberties of the Englishmen of that day.

In embodying their guaranties of liberty in written constitutions which could be changed only by the difficult procedure of constitutional amendment the American statesmen of the eighteenth century made an important contribution to the technique of protecting civil liberties against encroachment. The peculiar development in the United States of the doctrine of judicial review gave the courts the final decision as to the scope of civil liberty. Through that power to invalidate legislative acts deemed to be unconstitutional they could virtually define natural rights and liberties. In the due process clause of the Fourteenth Amendment, which eventuated from the struggle to abolish slavery and secure civil liberties to the Negro, the courts found a new and most effective device for the extension of their power. It is a device which can work, however, toward the restriction as well as the extension of the scope of civil liberties, depending upon the opinions of the members of the court. No other technique, however, has proved more effective in safeguarding the accepted civil liberties.

Democracy does not guarantee the maintenance of any group of liberties for the individual. A government founded upon the doctrine of majority rule must show unremitting care and self-restraint if that majority is to respect at all times the civil liberties of the minority. Within recent years there has been a clear tendency, especially in the United States, to a relaxation in the interest in civil liberty and a loss of many specific rights. The increasing governmental control necessitated by the complexities of modern social and industrial life results in continuous encroachments upon rights fundamental to the older philosophy of individualism. Under the guise of protecting health, morals and safety the majority has found opportunity to write into law its views of morality, decorum, religion and political orthodoxy in such a way as frequently to impair the civil liberty of the individual. The unintelligent censorship of books, plays and moving pictures; the prohibition of the teaching of evolution and other unpalatable doctrines in the public schools; the breaking up of meetings held to expound unpopular political beliefs; the exclusion from the country under the immigration laws of European political offenders and the denial of citizenship to pacifists under the naturalization laws—all are outstanding examples of violations of once generally recognized individual rights.

The course of the labor movement in the United States has been largely influenced by the necessary struggle of American labor against similar violations. As a result of its policy of nonpolitical action and reliance on the strike and boycott it is peculiarly liable to assault from this side. In numerous strikes in recent years the rights of assembly and free speech for the strikers and their representatives have been suppressed in most flagrant violation of the doctrine of civil rights. The use of the injunction and the yellow dog contract have also frequently resulted in abrogations of civil liberties.

The presence of the American Negro has always been a challenge to respect for civil liberty in the United States. Under the judicial theory that segregation is no denial of equality he is segregated on common carriers and in public places. He is subject to racial discrimination exercised by private persons. His civil rights are impaired, when they are impaired, not so much by discriminatory laws as by the unequal administration of laws nominally fair. All too often complete breakdown of governmental protection results in a lynching.

One of the heaviest prices paid by the United States, and indeed by many other countries, for the World War was the decline in popular regard for civil liberty. War always means a restriction upon individual freedom of action. But the repression of freedom of opinion, utterance and press under federal and state sedition laws in the United States and similar laws in other countries went in many instances far beyond military necessity or the demands of national safety. In the United States the state laws for the repression of sedition, syndicalism and anarchy which followed upon the cessation of the war, while legitimately applicable to genuine dangers to peace and order, are so broadly drawn and have been so generously interpreted that most of the revolutionary leaders of 1776 could be sent to jail for long terms under their provisions. At the same time there have sprung up organizations for the promotion of patriotism which devote money and energy to the attacking and suppressing of unconventional and unpopular political and economic views. These attacks on specific civil liberties have been accompanied by a lessening of faith in the doctrine of civil liberty itself. To counteract such onslaughts various organizations have sprung up. Most important is the American Civil Liberties Union, which attempts to extend legal and financial aid to persons whose liberties it believes are being invaded. Its work undoubtedly helps to fortify the belief in the social importance of the maintenance of civil liberties as well as to right specific injustices. Somewhat similar organizations exist in France and Germany.

In Europe civil liberties have been successively attained and lost. During the late Middle Ages various rights and privileges, virtual liberties of the individual, were acquired by the citizens of many towns and cities. But the rapid centralization of governmental power prevented the working out of these tendencies. Many of the German principalities of the eighteenth century developed both a philosophy and a tradition of individual liberty, but for Europe as a whole it was not until the French Revolution that civil liberty became an important issue. The Declaration of the Rights of Man of 1789 embodied the natural rights philosophy and avowed the equality of man, the political rights of the citizen, freedom of religion and utterance, protection from arbitrary arrest and imprisonment, and taxation only by representatives of the people for known purposes. But under the Napoleonic dictatorship these civil liberties were largely lost. The very theory of natural rights was in abeyance. It was kept alive, however, by radical and dissatisfied groups in France, Germany, Austria and Italy, and with the revolutions of 1848 it came again to the front. While none of these revolutions achieved permanent reforms they kept alive the spirit of liberty and laid the foundations for more substantial and lasting achievements in the future.

Until the period of constitutional upheaval which followed upon the World War the protection of civil liberties in European countries rested in general upon sound tradition and practise rather than upon enforceable guaranties. Thus there is no bill of rights in the constitution which established the French Republic in 1875. In contrast all the post-war constitutions contain bills of rights, copied more or less freely from that of the United States constitution. These guaranties of civil liberty are frequently a bit elusive, being coupled with exceptions and provisos which rob them of most of their effectiveness. In the main they are protections against executive rather than legislative interference with individual rights, and when they do purport to restrict the law making bodies they are not mandatory in nature, since the American concept of constitutional provisions judicially enforceable against the legislature did not find a place in the new constitutions of Europe.

In the Far East the concept of civil liberty has made but small headway. It is too foreign to the fundamental political assumptions of oriental philosophy to be easily or fully assimilated. Certain of the specific substantive or procedural rights common in western countries have been adopted by the modernized oriental governments, but the ways of thought of the peoples have been but superficially affected. Thus Japan has been a constitutional monarchy since 1889 and at present enjoys complete religious freedom; jury trial was introduced in 1928. Although China has been a republic since 1911, the successive revolutions and wars have provided little opportunity for the spread of individual liberties.

This spread of some of the incidentals of civil liberty but heightens the significance of the attacks upon the fundamental basis of the doctrine. Since the World War two distinct systems and philosophies of government frankly inimical to the postulates of civil liberty have emerged. The one, communism, subordinates all rights and interests, economic, civil, political, to the welfare of the communistic state. The citizen, as in Plato's Republic, is but a means to an end. He has no rights which can be asserted against the state but must achieve his development through the common welfare. Fascism, although it stands, in contrast, for the maintenance of private property and the abolition of class struggles, is also based on a conception in which the individual has no rights as against the state.

Communism and Fascism are but extreme illustrations of the modern collectivist tendency. The same trend is manifested in the widespread attempts to strengthen the legal and political status of groups and associations, to the general interests and welfare of which the rights and liberties of the group members are often ruthlessly sacrificed. Such groups—labor unions, trade associations, churches—are attempting to secure for themselves, as against the political state, rights similar in effect to those which the individual gained over the course of centuries and enjoyed in most complete form during the nineteenth century. Whether those individual civil liberties can be adapted to the forms of a pluralistic state and an increasingly complex and interrelated social and economic order is one of the major problems of modern political theory and modern statecraft.

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See: RELIGIOUS FREEDOM; FREEDOM OF SPEECH AND OF THE PRESS; FREEDOM OF ASSOCIATION; CIVIL RIGHTS; BILLS OF RIGHTS; MAGNA CARTA; DECLARATION OF INDEPENDENCE; DECLARATION OF THE RIGHTS OF MAN; NATURAL RIGHTS; NATURAL LAW; STATE; CITIZENSHIP; INDIVIDUALISM; LIBERALISM; UTILITARIANISM; DEMOCRACY; CONSTITUTIONS; GOVERNMENT; REPRESENTATION; JURY; ARREST; RETROACTIVE LEGISLATION; CONTRACT; CENSORSHIP; INTOLERANCE; ANTIRADICALISM; NATIONALISM; IMPERIALISM; DICTATORSHIP; COLLECTIVISM; ASSOCIATION; PLURALISM; COMMUNISM; FASCISM.

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CIVIL LIST. *See* MONARCHY.

CIVIL RIGHTS. The term "civil rights" is sometimes used by the courts in the broad sense of rights enjoyed and protected under positive municipal law in contrast with so-called "inherent rights" vesting in the individual by virtue of a supposed "natural law"; more frequently it is used in the United States in a narrower technical sense acquired in constitutional discussion concerning the legal rights of free Negroes in the years before and immediately following the Civil War. It was often coupled by way of contrast with the term "political rights," as by Kent: "In no part of the [United States] do [free colored persons of African blood] in point of fact participate equally with the whites in the exercise of civil and political rights" (*Commentaries*, 3rd ed., 1836, vol. ii, p. 257, note). The distinction between these two classes of rights was suggested in an early case where, in dissenting from a decision that the right to vote and hold office was essential to citizenship, one of the judges, expressing the view which later came to prevail, said that the mistake arose "from not attending to a sensible distinction between political and civil rights" [Amy *v.* Smith, 11 Kentucky 327 (1822)]. Such a distinction was doubtless facilitated by the habit of contrasting civil and political "liberty," which dates back at least to Christian's edition of Blackstone (1803): "No ideas or definitions are more distinguishable than those of civil and political liberty; yet they are generally confounded. . . . Civil liberty . . . is nothing more than the impartial administration of equal and expedient laws . . . " (Blackstone's *Commentaries*, vol. i, p. 127, note). Blackstone used the term "civil privileges" to describe the private rights protected by municipal law and reduced these to "three principal or primary articles; the right of personal security, the right of personal liberty, and the right of private property" (*ibid.*, vol. i, p. 129). The term was also used in the constitution of the American Anti-Slavery Society (1833), which demanded equality of "civil privileges" for whites and blacks (MacDonald, William, *Select Documents of United States History, 1776–1861*, p. 305). The term "civil rights" came to be used to describe the legal rights and immunities which were enjoyed by white persons under municipal law of the various states but which were often denied in whole or in part to free blacks. In Mississippi, for example, it was held in 1859 that "free negroes or persons of color . . . here in violation of our laws and policy, are entitled to no such rights. They are to be regarded as alien enemies or strangers *prohibiti*, and without the pale of comity, and incapable of acquiring or maintaining rights of property in this State" [Heirn *v.* Bridault, 37 Miss. 209 (1859)]. In Georgia free Negroes were permitted to acquire and hold real estate except in certain cities, but it was declared by the courts that "the African, in Georgia whether bond or free . . . has no civil, social or political rights or capacity whatsoever, except such as are bestowed on him by statute" [Bryan *v.* Watson, 20 Ga. 480 (1856)].

In the interval between the Thirteenth and Fourteenth Amendments Congress passed the first of the so-called Civil Rights Acts (1866), which undertook to confer federal (in distinction from state) citizenship on all persons born in the United States and not subject to any foreign power, excluding Indians not taxed, and provided that the classes thus made citizens should thereafter in all the states have the right to make and enforce contracts, to sue and be sued and give evidence, to inherit, purchase, hold and sell real and personal property; should have "full and equal benefit of all laws and proceedings for the security of person and property as is enjoyed by white citizens"; and be subject to no other or greater punishments than white citizens. It was made a federal crime for any person, acting under state legislation, to deprive any citizen of any of the rights thus guaranteed him. The act was passed over the veto of President Johnson, who expressed the opinion that it was an attempt to invade the sphere of exclusive state action unwarranted by any provision of the constitution. To remove such doubts the Fourteenth Amendment made all persons born in the United States citizens not merely of the United States but also of the state where they reside, and provided that no state should abridge the privileges and immunities of citizens of the United States or deny to any person within its jurisdiction the equal protection of the laws. Congress was given power to enforce the amendment by appropriate legislation, and under this authority the provisions of the act of 1866 were substantially reenacted by the second Civil Rights Act (1870). The Supreme Court has said that "the words of the [Fourteenth] amendment, . . . contain a necessary implication of a right, most valuable to the colored race—the right to exemption from unfriendly legislation against them distinctively as colored—exemption from legal discriminations implying inferiority in civil society, lessening the security of their enjoyment of the rights which others enjoy" [Strauder *v.* West Virginia, 100 U. S. 303 (1879)]. Therefore a conviction under state court procedure which restricts jury service to white men is void (*ibid.*); and Congress may make it a federal offense for a state official, either in pursuance of a state statute or otherwise, to discriminate against Negroes in the selection of jurors [*Ex parte* Virginia, 100 U. S. 339 (1879)].

But it is only direct discriminatory action by states or discrimination incident to the exercise of their authority that the amendment prohibits; and therefore those provisions of the third Civil Rights Act of 1875 which made it a federal offense for innkeepers, carriers and proprietors of places of public amusement to deny Negroes full and equal accomodations with white persons are unconstitutional [Civil Rights Cases, 109 U. S. 3 (1883)]. Further, state statutes requiring carriers to furnish separate and equal accomodations for white and colored passengers [Plessy *v.* Ferguson, 163 U. S. 537 (1896)] or establishing separate but equally well equipped schools for the children of the two races [U. S. *v.* Buntin, 10 Fed. 730 (1882)] are not unconstitutional as a denial of the equal protection of the laws, but are justified as a legitimate exercise of state police power under the doctrine of reasonable classification. In Buchanan *v.* Warley [245 U. S. 60 (1917)], however, a city ordinance which forbade colored persons to move into a city block in which a majority of the residents were white was held unconstitutional as depriving the owners of the right to dispose of their property to willing purchasers. The ordinance was said to transgress the legitimate limits of state police power because by basing the discrimination on color it was at variance with the obvious purpose of the Fourteenth Amendment. But since the amendment does not forbid discrimination by private action owners may lawfully covenant with one another not to sell their property to Negroes [Corrigan *v.* Buckley, 271 U. S. 323 (1926)]. Many state constitutions and statutes contain provisions against discriminations on account of color.

It was apparently thought by the framers of the act of 1866 and of the Fourteenth Amendment that the rights of holding property, making and enforcing contracts and the like were incidents of federal citizenship and would therefore fall within the purview not only of the "equal protection of the laws" clause of the amendment but also of the clause which forbids the states to abridge the privileges and immunities of citizens of the United States. The Supreme Court has rejected this view, holding that the "privileges and immunities of citizens of the United States"—i.e. those attaching to federal citizenship—include only such rights as "owe their existence to the federal government, its national character, its constitution, or its laws"—as the right to use the navigable waters of the United States, the right to protection abroad, the right of free access to the national capital and the right to become by residence a citizen of a state [Slaughter House Cases, 83 U. S. 36 (1872)]. They do not include such political rights as the right to vote [Minor *v.* Happersett, 88 U. S. 162 (1874)] nor such rights as the right to bear arms contrary to the prohibition of a state statute [Presser *v.* Illinois, 116 U. S. 252 (1886)].

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See: CIVIL LIBERTIES; SOCIAL DISCRIMINATION; NEGRO PROBLEM.

Consult: FOR GENERAL TREATMENTS: Lieber, Francis, *On Civil Liberty and Self-Government* (3rd ed. Philadelphia 1874); Burgess, John W., *Political Science and Comparative Constitutional Law*, 2 vols. (Boston 1893) vol. i, pt. ii, bk. ii; "Status of Resident Aliens in International Law" in American Society of International Law, *Proceedings*, vol. v (1911) 150–225.

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CIVIL SERVICE

HISTORY. The term civil service was used for the first time in 1854 when Sir Charles Trevelyan borrowed it from the British administration of India and applied it to English conditions. It included simply the professional body of officials employed by the state in non-military and non-judicial services. It is in this sense that the term is used here, although we must also exclude teachers, who are sometimes members of continental civil services. It should be observed that this definition is very broad and makes no specifications as to technical preparation (which might be none at all), methods of recruitment (which might be simple patronage) or social and political character. But it does establish the professional character of the service and consequently eliminates the ill defined group of unpaid public servants, lay, voluntary and enslaved, who in the past performed and still perform a considerable amount of work requested or commanded by the state. One of the great remaining problems to decide is at what point unprofessional officialdom should cease so as best to satisfy the need for technical efficiency and at the same time obtain the positive civic value of lay cooperation in government. It is only in comparatively recent times that the professional element has become the larger and now the vastly preponderating part of public administration.

There is little to be learned from the civil service history of ancient and classical states since detail is insufficient and untrustworthy. But a broad general view reveals some interesting sociological facts. In ancient Egypt three factors determined the nature of the administration—the dependence upon wheat, the difficulty of transport and the nature of the Nile. The results were: a body of officials and scribes for the registry of land; a forced period of rest during inundations, when compulsory and unpaid service for the public works was feasible and directors of inundation were required; the splitting up of the country into small communities located at short intervals since none could be out of range of the nearest wheat reserves; and the establishment of judicial offices as well as directorships of houses, treasures, police, audit, wheat stores, desert land and the hunters. There was much unpaid and hereditary work, especially in the higher ranks. In the small cities the administration was a little more complicated.

Athens in her maturity knew no civil service in the modern sense, for as a result of her passion for democracy all offices, administrative as well as legislative and judicial, were elective for short terms and practically all citizens had the right to be nominated and elected thereto. This system was possible provided three conditions were satisfied: that men should be ready to serve the city although their standard of living be adversely affected; that the problems of administration should not require the mastery of a difficult technique; and that the city should be small enough to allow the administrators to plan, calculate, supervise and bring home their commands to the population.

Republican Rome exhibited much the same basic organization in its administration as did Athens and for similar reasons. But one observes the constant tendency to specialize functions by dividing the labor of different offices, this tendency being concomitant with the growth in civic activities. Then, as Rome's dominions extended, elective offices, especially those in foreign parts, were held for longer and longer periods. The empire could no longer support haphazard, amateur officialdom, and the chief classes of administrators, the census officials, the officials of the fiscus, the prefects of the city, the regulators of grain supply, the superintendents of the aqueducts, the public buildings and the sewers and the administrators of the local regions were appointed by the emperor. Radiating too from the emperors directly were the governments of the provinces with the governors at the head of each.

Under the mediaeval feudal system political authority was disintegrated and settled in small territories the chiefs of which, by a system of fiefs, owed allegiance to a central authority and in turn received support and fidelity from lesser vassals. Thus officialdom was concentrated around a number of poles represented by local lords, barons, *comtes*, *ducs*, *Grafen*, with the prince or king at the center—a point which did not become permanently fixed until revenue could be easily carried to it. The primitive state of communications and the absence of a monetary and credit system paralyzed the central authority, and the military, judicial and economic administration of a large territory could be based only upon the grant of land in return for service. Extreme decentralization set in, punctuated by violent anarchy and fitful attempts to vindicate central authority. The governors of districts and provinces, the peacetime successors of the original conquerors, acquired hereditary tenure, invented titles for themselves, became ennobled and thus established a class which monopolized office, often as a private hereditary property. Even in the modern services the hereditary title, the *adelig* cognomen, although legally divested of its privileges, still retains their traces in practise.

Administration was mixed: the same counselors at the center were concerned with military, financial and judicial affairs, while the private estate of the prince was indistinguishable from the state. This was possible as long as the volume of public work was small, that is, until the sixteenth century; war, treaties with foreigners, occasional courts of justice, the collection of revenues in their then curious form, were the main activities of the center, and in the localities occasional work upon the roads, drainage, house building. The former group of activities was carried on by the great lords whose ability or property made them indispensable, by learned churchmen who could afford to go without pay, by minor clerks in orders who could be paid in various forms by the church, by certain lay clerks whose numbers increased as education and wealth ceased to be the monopoly of the church, and by lawyers, who in France and Germany became after the "reception" especially skilled in Roman law and were employed to supply authority for the absolute prince now arising from the wreckage of the feudal system. Gradually exchequers and chancelleries assumed a separate and public form while a number of advisers and clerks clustered about the privy councils of the crowns. In the localities the royal power was represented by such officers as the sheriff and the justice of the peace in England, the *missi dominici*, the *enquesteurs* and *gouverneurs* in France, the *Viztume* and *Landeshauptmänner* in the Germanic states. These offices, comprising administrative, judicial and military functions, were originally at the royal pleasure and later tended to become hereditary or to die out except as forms. In the rural localities the principle of elective, unpaid, compulsory office prevailed; it was seen that the duty of attending to works of public utility rested somewhere, and in the peculiar communal environment of the Middle Ages the neighborly theory of "take-it-in-turn" was institutionalized.

In addition to the feudal organization the Middle Ages were characterized by the gradual assumption of wide political powers by the towns. They were more active than the central authority or the small rural communities. Population thronged; regulation was necessary. That which the great state was to experience and do after the sixteenth century the towns experienced and did until that time. There was community based upon neighborhood, intertown rivalry, a common religion, common industrial and commercial aims and organization managed by the guilds, as well as a compact area and population surveyable by the early statisticians and easily inspectable by a few men. Courts and officers were established by the municipal authority— inspectors, tax collectors, managers of almshouses, clerks—while the multifarious duties of industrial regulations and social welfare were carried on by the guilds and their officers. The higher decorative and directive officers were elected by the governing council of the municipality and the members of the guild, while the councils themselves appointed to the executive positions.

The church, ruling over wide territories, was the great model of hierarchy, discipline, specialization of functions and professional and corporate life. Until the sixteenth century and in some spheres for a long time afterward it administered vast fields of what are today state activities such as poor relief, education, law and order.

Under the absolute monarchies which succeeded feudalism the great states of the West evolved civil administrations to meet their peculiar requirements. In England the Norman conquest had established an invincible central authority, and the only remaining need was to cover the country with local justices of the peace. These officials held royal commissions, but having been automatically designated for office by the localities of their birth and by their social connections they exercised their power with a generous regard to these factors. In the parishes the principle of unpaid office was in force; the minor officers of the town corporation were sometimes paid salaries which they supplemented with the gratuities of the age—fees, gifts and *pots-de-vin*. In the English county the offices of the quarter sessions were also subject to patronage. The central authority continued to divide itself into separate departments and to distinguish itself from the royal household—a process brought about by the increasing necessity for expertness, full time work and permanence, as the state undertook further and more complicated duties. Colonizing, commercial enterprise, the domestic administration of the mercantile system, poor relief, customs and excise, the postal monopoly, everywhere caused a large growth in what later came to be called the civil service and stimulated the development of its modern features. This growth marked the beginning of the golden age of patronage, which lasted until 1850. The recipients of this patronage were all above the lower middle class or hangers-on of more lowly birth. No one in England, until Burke in 1780, showed any real regard for "civil service reform" in its modern sense. The potent reformers of the time were kings and if they were otherwise preoccupied there was no reform.

In Prussia and France there were vigorous monarchs who ruled and caused great administrators to rule. Prussia under Friedrich Wilhelm I inaugurated a civil service the expertness of which was unparalleled during the succeeding century and a half. Competence proved by written and oral tests in prescribed subjects—the *Kameralwissenschaften*, a peculiar combination of economics and public administration—was a prerequisite for office, limiting the privileges of the nobility. Two factors contributed to this result. First, the continuous necessity for war organization and discipline, both in defense and in breaking down the Estates, caused a premium to be placed upon hierarchy, discipline, technical skill and rational organization. The Kriegscommissariat extending over the country was converted into a tax organization and then into a more comprehensive civil service. The spirit of the original military organization remained and was fostered. The second factor was the unusual administrative ability of three Prussian kings, whose autocratic regimes fell within a single century and were characterized by unprecedented state activity, with the monarch regarding himself as the "first servant of the State." The organization and the spirit of "bureaucracy" tided over the crises of 1789 and emerged into the nineteenth century.

France was delocalized by Richelieu, Louis XIV and Colbert. Their instruments were the Conseil d'État and the secretaries of state. But luxury and the pursuit of military glory ruined the administrative edifice they built; for, taxes being insufficient, offices were sold and the *vénalité des charges* caused the creation of a pluto-bureaucracy manned by the nobility and by the moneyed bourgeoisie, which could acquire a title upon the purchase of office. England's decentralization, the self-government of the justices of the peace and the patronage system were the direct results of a longer experience of unchallengeable central government and of smaller need for national discipline due to immunity from attack. England's bureaucracy flourished not at home but in India and the American colonies; and it was not until long afterward that the cries of an outraged population could be heard in the mother country to the extent that they were heard in France and Prussia.

Toward the end of the eighteenth century there set in those tendencies one aspect of which was represented by the French Revolution and another by the industrial revolution. "The career open to the talents" was proclaimed and came to mean "no privilege" in Europe and "rotation of office" and "spoils" in America. But these tendencies had a deeper significance. The idea of progress stimulated men to contrive an instrument of release from the conditions of their day; and the most potent was the machinery of government. It was soon discovered that parliaments were less competent servitors than civil servants. Two things were recognized. First, the necessity for a rational order in industrial effort and organization, for the utilization of all the elements most skilled to do the work required, regardless of their social position, religious beliefs, political party and (more recently) their sex, and for the exclusion from the administrative apparatus of all candidates with merely adventitious qualities. Economic rationalism has not entirely excluded other considerations but it has secured an almost complete triumph in the civil service. Second, it was perceived that mastery of skill could be achieved only through exclusive devotion and that consequently division of labor was socially advantageous. Management or administration came to be considered a specialized vocational pursuit.

On the material side the industrial revolution compelled society to equip itself to meet new obligations on a vast scale. Health, poverty, education, communications, trade, agriculture, colonies, manufactures now disclosed elements which demanded large scale regulation and compulsion. The political philosophies of the utilitarian school, the Tory humanitarians and the socialists stimulated inquiry into these elements and brought about the adoption of necessary measures. At first only the dead environment—drains, buildings, factories, roads—was to be altered, but it soon began to be seen most vividly in the sphere of public health that men were no less important parts of one another's environment. There resulted a broad and deep extension of state activity involving of necessity an increase of civil servants. They furnish the expert knowledge without which parliaments cannot adequately create and enact policies, and when the laws are made the civil service carries them out. The experience of modern governments shows conclusively that the members of the representative assemblies have neither the time, the ability, the inclination nor the machinery to perform the former of these functions. Before they can enact policies they must come to the permanent officeholders for exact knowledge of the enormously complicated social life of our gigantic states. As to the second function, a variety of reasons forces parliaments to legislate in general terms and leave the civil servants to draw up rules and orders—to create "secondary legislation," the great and increasing mass of which gives the civil service in modern states a vast power.

Furthermore, great and formidable groups began to impinge upon one another, and seeking their own interests they threatened the peaceful continuance of the state. More and more, therefore, the civil service has come to be acclaimed as the indispensable umpire between the interests and as the embodiment of state consciousness as distinct from that of any party or group. It is the advocate of the common weal in addition to being the common servant. Hence the importance placed upon the political neutrality of the service and, where the form of the state is not yet secure, as in Germany, Russia or Italy, upon its specially sworn allegiance.

The most striking common feature of such state activities—or civil service activities—is their real or presumed social urgency. And because they are urgent they are not sold for directly paid prices but are given impartially to all citizens. Nor may an interruption in their supply be permitted. From the first fact arise the inability to measure exactly the "profits" of the public service and the need for public responsibility, involving tedious reference to laws and records, and consequently slowness; and from the second follow restrictions of the civic rights of civil servants.

Modern Civil Service. The main problems raised by modern civil services are recruitment; promotion; discipline (including incentives to work); pay; relations with the legislature and the public; and legal liability.

(1) Recruitment was the first concern of reformers. Broadly until about 1870 most countries recruited by the patronage system, political and social connections outweighing functional competence as qualifications for entry. But a striking and important exception to this was Prussian development where, since the end of the seventeenth century, merit as tested by definite academic excellence and practical experience made a great breach in the system of favoritism and purchase of office. Prussia has now over two hundred years experience of a specially qualified bureaucracy, compared with the brief half century of Great Britain, France and the United States. Great Britain began in 1853, the United States and France about 1880, to construct impersonal tests based upon defined schemes of educational preparation.

The essence of civil service recruitment is the education which its tests presuppose. Prussian development in this respect has had three great stages: before 1815, from 1815 to about 1879 and since 1879. In the first stage university education in the *Kameralwissenschaften* and practical experience in agriculture or business were required. In the second, practical experience was dropped and education became more and more confined to law, mainly private law. The justification offered was that great works of codification were being undertaken and a legal education was indispensable; and that to achieve the *Rechtsstaat* in a monarchy a training in law was more important than in any alternative subject. Both civil servants and judges had the same preliminary training and examinations; they then branched off into stages of apprenticeship and probation as *Regierungsreferendar* or *Justizreferendar*. The third stage came when it was discovered that this legal training was too narrow in scope and too rigid in form for the modern state. Between 1879 and 1909 progressive amendments were made. Economics and constitutional and administrative law were added and special attention was paid to training during the *Referendar* period. The full force of the complexities of modern society has been felt only since 1910. The schools of law themselves revolted from the old method of preparation. Plans are now afoot for giving more than one half the curriculum to economics and political science. The whole controversy has been fought out on the questions of the particular sciences needed by the administrator—and it has been generally conceded that the social sciences must be preeminent, if not alone; and of the quality of mind producible by different disciplines—and here the results of legal training have been universally deplored, for it has overrated authority and diminished the sense of personal responsibility, while the juristic method of subsumption has tended to destroy free inventiveness. Furthermore, it takes at least seven years from the time of entry into the university before an aspirant for the civil service has an "established" position not under tutelage. This is now recognized as deferring for too long the independent practical enterprise of the administrator.

As in Prussia the British civil service is recruited by a uniform examination regardless of the different branches into which the candidate may go. But here the similarity ends. For British "open competition" began tentatively in 1854. It was strongly molded by the educational views of Macaulay. He held that special preparation was unnecessary inasmuch as mental capacity could be tested equally well by competition in the ordinary subjects of the university curriculum, however remote they were from the objects of administration; and that the mental capacity thus discovered could pick up the necessary technique in the course of actual work. To pass the examinations would demand industry while at the university and this would be some guaranty of moral as well as mental excellence. This method of preparation has persisted, although the university subjects have enormously increased in number with the progress of science and teaching. Recent agitation has even caused the introduction of the classics, mathematics and the natural sciences, of law in its various branches and of economic and political science. The main lines of Macaulay's scheme still remain: a liberal rather than a special education and employment almost immediately following graduation, which means about the age of twenty-three. The British system stimulates early readiness for responsibility, sound critical ability and "manner," which goes far in the business of government since it combines force with urbanity, while the German system not infrequently omits the latter. But the British system lacks technical preparation and a period of organized probation.

France evolved later than England a method for recruiting its higher service. It has no single examining body as in England, Germany and the United States. Recruitment is carried on by each separate department and each department prescribes its own qualifications. Certain specific university diplomas are required and a technical examination follows. Perhaps the preparation is too special, as is the case in the United States, where the general administrative class, when not recruited by patronage, is recruited by an examination in a specialty. Nor are the American universities the conscious breeding places of future administrators.

(2) Promotion hardly affects the highest class of civil servants. They usually have interesting work and receive a comfortable salary. Seniority or merit plays its part according to the changes and chances of the service, which vary greatly between departments whose expansion or contraction depends immediately upon parliamentary policy. But for the lower classes promotion is a serious matter. In addition to improving the morale of the service a proper promotion policy may secure the fullest economy by the proper distribution of effort and talent. Various questions arise in connection with such a policy. Shall experience and talent acquired during service be rewarded by promotion even into the highest class? How shall such experience be measured? What remedies has an aggrieved servant against his treatment? The first question has been answered in the affirmative only within the last twenty years—and that not by all countries nor with equal liberality. No answer at all was given until popular attention was attracted by the efforts of civil service associations, which complained of class distinctions and of the waste of talent in inferior jobs. In England and Germany promotion to the highest class is rare, but there is a more generous opportunity between the lower and middle ranks of the

service. In France promotion to the top is practically unknown, while in the United States it is impossible without the passing of prescribed examinations, which is practically equivalent to a new entry. Within each grade salaries rise by annual increments and these can everywhere be withheld if the employee is not competent. The United States efficiency rating scheme of 1925 even arranges a calibrated scale of efficiency correlated with so many dollars of salary. But the raises tend to be automatic and demotion almost unknown.

The basis of promotion has been seniority or merit or a combination of these two. Seniority is a widespread practise due to the fact that it causes fewest surprises, produces least jealousy and obviates both the onerous task of choice (which is always difficult in routine jobs) and the mortification of the unsuccessful. Since experience increases aptitude, seniority promotion up to a certain point is sometimes conducive to technical efficiency. More often, however, it has the opposite effect, since it promotes the incompetent aged and wastes the younger talent. Merit has therefore been urged by the interested public and the associations, which are usually led by comparatively young men.

The question then arises of how to test merit. An objective measurement is needed independent of the personal judgment of the official superior. This has in part been supplied by such methods as the records sheets and efficiency records of England and the United States and the *Personalakten* of Germany and the *dossiers* of France. In the former countries qualities are distinguished and marks annually awarded by a superior officer. Promotion proceeds according to merit thus measured. This system fails, however, to exclude personal favor inasmuch as a superior officer is still the judge. Nor does it overcome that unwillingness to discriminate born of colleagueship. But it does cause the mind to concentrate intensely at regular and fairly short intervals upon the comparative merits of the reported group and furnishes a cumulative record of years to replace hasty and careless judgment at the moment of a vacancy.

In the quest for relief from arbitrary promotion other devices have been suggested, and sometimes adopted upon pressure, by the civil servants. In France it has been suggested that promotions be made in certain fixed proportions for seniority and merit; and in one department a promotion committee includes several representatives of the lower ranks of officials who participate in the drawing up of promotion lists. Any violation of the order decided upon is challengeable before the Conseil d'État. In England promotion boards exist in each department, and the general problems of this work are discussable by the Whitley Councils. Only in Australia is an appeal to the central controlling authority permitted, and a large number of promotions are challenged by aggrieved servants and some overturned.

(3) The problem of discipline in the civil service is governed by the fact that the civil service is not a concern making a profit measurable in money or dependent upon the satisfaction of consumers in a competitive market. In private enterprise the profit making motive causes the method of payment by results to permeate the whole personnel; and this is an automatic disciplinary method. But the public service is normally monopolistic, and it serves a market usually inelastic—its expansion being limited by the statutes creating the departments and their activities and not depending upon the effort of the servants. The services are "sheltered" and the value of the work is not measurable with exactness. Its excellence can be secured only by a code of discipline founded upon the nature of the service. All civil services, therefore, have such codes, not differing essentially from those actually operative in private industry but expressly and authoritatively formulated. We may take the code of Germany as being the most explicit, although every country is approximating thereto, and new countries like Australia and South Africa actually write the codes of discipline into their public service acts. The German code enjoins: the conscientious discharge of all duties pertaining to the office in accordance with the constitution and the laws; obedience to the official orders of superiors in so far as they are not contradictory to the law; behavior worthy of the respect accorded to the office; the discharge of official duties with all possible sincerity and probity, with impartiality, industry and care and with indifference to private advantage; strict maintenance of the hours of service; acceptance of new work corresponding to training and capacity and not derogatory thereto; truthfulness in all official dealings, even when under a charge, and disclosure of all facts which concern the welfare of the service; respect to superiors and, to the public, courtesy, kindliness and helpfulness; defense against insult; such a private life that the dignity, confidence, respect and efficiency of the service shall

not be impaired; permission before any part of the official's time may be spent in extra employment; official secrecy.

These rules as well as others of a like nature are ever present threats to insure subordination and devotion to duty. They are in fact in the nature of a state religion, of commandments emanating from the nature of the state. In fact the taking of an oath of office has been and is required in Germany and most other countries, the ostensible purpose being to invest office with the authority of religious mysticism. The great difference between continental and Anglo-Saxon countries is that the former have their codes stated publicly and in a convenient form, while the latter have no systematic and public body of doctrine. Furthermore the continent has a regular procedure culminating in properly constituted disciplinary tribunals where servant and superior may be judged, while few English speaking countries except Australia provide courts of appeal outside the departments or the treasury.

For the purpose of exercising disciplinary pressure the Prussian service of the eighteenth century developed a crude system of spying upon officers, followed by secret delation. It lasted until the nineteenth century when it was replaced by a more refined system of secret *dossiers*, revealable during disciplinary procedure. Essentially a method of terrorization, it was the natural outcome of the origin of the service in military organization and of the fear of imminent downfall always felt by a monarchy. The development of the theory of *Rechtsstaat* and of democratic organization resulted in an onslaught upon secret records. The German constitution of 1919 abolished such secrecy and analogous development has occurred in all other countries. Democracies have so far found that a sufficient incentive can be otherwise engendered.

One aspect of discipline especially significant in the modern state is the question of the right of civil servants to associate and ally themselves with other professional and industrial groups who may by their economic or other claims come into more or less violent collision with the will of parliament. This question has arisen most naturally and in its gravest form in countries like France where civil service conditions have been bad. Furthermore civil servants, especially in the subordinate grades, tend to feel that they have social affiliations with the working classes and to desire to support their policies. In all countries, therefore, the questions of association and the right to strike have arisen. Because of the urgency of the services which the state must perform no country admits the right to strike. All countries permit association, but their practise varies on the question whether civil servants may affiliate with trade union bodies who may command or incite them to strike. France does not allow affiliation; Germany does; the United States does not forbid it; while in Great Britain, although it is now forbidden, the question cannot be said to have been finally answered. Those who are against strikes and affiliations add the further argument that in proportion as civil servants are given such rights as pay, superannuation, settled means of promotion, redress of grievances and immunity from the fluctuations of private industry they must not endanger by their withdrawal from duty the social organization which makes these conditions possible. A halfway ground is being established in the form of arbitration courts and of councils representing both the staff and the higher authorities. These have been best developed in Great Britain, Germany and Australia.

(4) One of the most difficult problems that the civil service presents is that of its pay. It is not doing work which can be measured exactly in terms of any similar work outside. Its members are subject to special rules of decorum and are deprived of some of the general civic rights. Entry into it is dependent upon qualifications above the average of the ordinary clerk in the business world. It offers no exciting prospect of riches gained at an early age. The service is peculiarly one in which a rapid turnover of personnel is undesirable. It is also one in which resignation involves the surrender of guaranteed rights. There has always been the immensely difficult problem of establishing fair rates of pay for the various grades of the civil service.

The amounts paid for civil service work vary in different countries and are conditioned by several factors. Perhaps the most important consideration is the general level of payment and working conditions prevailing in the country. In France where this level is not very high employees tend to remain in the service at low rates, whereas in the United States civil servants are constantly tempted to outside employment. The other significant factors are the intelligence of statesmen and the strength of the civil service associations which represent civil service views and marshal the facts for judgment.

(5) Since democracies have become the masters of the civil service emphasis has neces-

sarily been placed upon its relation to parliaments and the public, and many new questions have been raised. Ought civil servants to obey any government which has parliamentary confidence regardless of their own conscience? How far ought they enjoy the political rights of ordinary citizens? What is the public's attitude toward civil servants, and their attitude toward the public?

Thus far practise has shown that civil servants have been enjoined by governments of the most diverse political views to remain the neutral servants of the state. It has been recognized almost universally that interference with this neutrality means the loss of technical skill to the state as a whole, and only the most extreme minorities of the Left and Right have been ready to sacrifice this neutrality by "purification" of the services. This doctrine has a high ethical import and requires for its maintenance a spirit of renunciation; but hard as it is the whole effectiveness of democratic government rests upon it. A counterpart to this doctrine is that which holds that civil servants should occupy an anonymous position in the machinery of the government, that is to say, that all responsibility should be concentrated upon the political ministers and that the names of civil servants should in political discussions never be mentioned in either praise or blame.

The question of political rights is directly connected with this. If the civil servant is to be the impartial servant of all governments, the less the civil servant has to do with politics the better. For any practical and observable connection with a party may at least produce suspicion of partiality, and suspicion of political favoritism spreads rapidly through a staff. Practise has been various and vacillating. The vote has not been denied, but in Australia, the United States, Canada and South Africa wider participation in politics is forbidden. This limitation is the result of a reaction from the spoils system. In France a varied history has ended with the abolition of legal hindrances to political activity; even election to the chambers is permitted, the official being "seconded" during membership. The same applies to Germany, where the tradition arose owing to the impotence of the assemblies and the desire of the crown to have its spokesmen in them. But careful restrictions are imposed to insure that political activity shall not be pursued during official time or with the use of any official means. In England only the industrial workers of the state are permitted to stand for election, but not the administrative employees, who, however, may with permission participate in municipal government.

The science of the desirable relations of the public with the services is almost entirely unplumbed. Until recently the public has been the governed; and when this relationship began to break down, power was transferred to the parliament, not to the public. But it has been observed in the last two generations that parliaments are incompetent to do more than regulate the services in a broad and general way; it is only on widely separated occasions that complaints can be brought before representative assemblies absorbed as they are with vital matters of general policy. An occasional and general reprimand has proved insufficient. A day by day commanding presence is required. This is obtainable informally by public knowledge of the work, the rights and duties of the services and by a well developed sense of public mastership, which is the only real preventive of bureaucratic temper. It may be obtained formally by the establishment of advisory councils for each department or special division of a department through which public complaints can conveniently flow directly to the administrators; and there are already signs that these are being created. But public knowledge and a sense of mastership are laggards and poor matches for official usurpation. The latter varies much from country to country, but everywhere it is true that entrance to office tends to breed a cold and rough insolence, however slight. This is partly due to the official's own answerability to superiors. It is due also to the consciousness of power. It can be mitigated only by deliberate education.

(6) Finally, there is a great variation in the treatment of a civil servant's liability for wrong done in the course of official action. The Anglo-Saxon doctrine—from which Australia now dissents—is that liability is exclusively the official's. He is responsible and must therefore pay. The merit of this doctrine is that personal liability may cause circumspection. But few officials are really ill willed. They sin rather by ignorance or accident or as a result of being given defective commands. The alternative method adopted on the continent is for the state to accept liability, since the official is usually unable to pay compensation for his error, and then to take disciplinary action (*Rückgriff*) against the official in special administrative courts. The English have held the erroneous view that this system favors the official. In fact the courts have given juster

judgments than elsewhere, for they are composed of men with judicial training, enjoying regular appointment, familiar with regular procedure and yet versed in the technique of administration. It seems likely that the continental method will in principle be generally adopted; for everywhere the state, but recently commanding by the show of coercion, is transforming itself into a state ministrant and responsible.

Herman Finer

See: Public Employment; Administration, Public; Centralization; Bureaucracy; Government; Colonial Administration; Spoils System; Patronage; Professions; Expert; Personnel Management; Trade Unions; State Liability.

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CIVIL WAR is military conflict between two or more approximately equal political governments for sovereignty over people and territory native to both. In contrast revolution is a change, not necessarily brought about by force or violence, whereby one system of legality is terminated and another originated within the same society. Numerous important revolutions, like that of 1688 in England and that of 1848 in France, have involved almost no military conflict. Civil war may accompany revolution, but even in the great French Revolution it played only a secondary part. Civil war is also to be distinguished from insurrection, which is a struggle from the bottom up—an uprising of a more or less politically unorganized group against an established authority. Civil war is horizontal, insurrection vertical, conflict.

Civil wars may be classified roughly as religious, political or social. The rise of Protestantism caused a whole series of religious civil wars between 1550 and 1648. The civil wars in England during the years 1641 to 1651, in the United States from 1861 to 1865 and in China from 1921 to 1928, were political. The history of ancient Greece and Rome shows a whole series of social civil wars between rich and poor, aristocrats and plebians. The Russian civil war of 1918–21 was primarily a social war between the upper classes on the one hand and the city proletariat aided by the peasants on the other.

Religious civil wars have usually been very bloody and ruthless. Social civil wars tend to resemble them in this respect, while political civil wars are commonly humane—as wars go. The Thirty Years War was indescribably ferocious; the recent civil war in Russia was marked by much cruelty; while the American Civil War was comparatively well controlled.

The character of civil war varies considerably according to the type of political organization in the country in which it occurs. In unitary states civil war is likely to be amateurish and bungling in its early stages. The old government is weakened by the withdrawal of large numbers of its trained personnel, who then proceed to improvise an opposition government which does not at first function very efficiently. The English civil war of 1641–51 and the American Civil War are cases in point.

In federated states civil war closely resembles international war. Here organized functioning governments already exist and the task of generating a civil war between them is relatively simple, especially when the nature of the federal bond approximates a league rather than a closer union. The Thirty Years War, the War of the Sonderbund in Switzerland in 1848 and the American Civil War afford varying illustrations of the nature of civil conflict in federated states. Civil wars in colonial states are in general much like civil wars in federated states except for the fact that they are always at least three-sided, the contestants being the two factions in the colony and the mother state, which as a rule unites with one colonial faction against the other.

The social situations which lead to civil war follow the general conflict pattern. An existing equilibrium of contending interests is disturbed by new conditions. There is a consequent unrest, which at first manifests itself in discussion, argument and debate. In the course of this discussion certain issues, important and even fundamental in the life scheme of the society, become clearly defined. Since they cannot be settled by peaceable methods, such as elections, for the reason that neither of the parties is willing to abide by the result of an adverse ballot, the society gradually separates into antagonistic factions. Anything done by one faction to advance its interests irritates the other into counter moves. The strain increases by a process of cyclic interaction and animosity becomes intensified. At this stage almost any untoward event, of however little importance in itself, is sufficient to precipitate a crisis. The occurrence of some such event is inevitable under the circumstances and military conflict begins as the response to the crisis created by the previous conditions.

During this process group becomes estranged from group within a community and even members of the same family may be divided. In general the population of one section of the territory in which the civil war occurs will favor one faction, another population area will favor the opposite faction, while the population in the area that lies between will be more or less evenly divided. The military struggle is likely to be most intense in this area of divided loyalty. The two factions in a civil war are much alike despite their antagonism, since they are simply parts of an originally united group. As the civil war proceeds they become more alike, thanks to the practise of copying each other's technique. Within each of the two opposing forces develop smaller factions which may gain increasing importance as the war goes on. During the American Civil War the Copperheads in the North were such a minor faction while the inhabitants of eastern Tennessee played a similar role in the South.

Civil war as contrasted with foreign war is, for one side at least, war for complete conquest—for the extinction of the enemy government. It is a struggle for existence, whereas in modern times foreign war is as a rule waged only for certain specific and limited aims. In the case of a foreign war a government has a more complete command over the loyalty of its subjects than in the case of civil war, when a not inconsiderable minority of the population on each side is more or less apathetic or hostile to the purposes and aims of its government. Each government, therefore, has to divert some of its military force to the task of holding down this discontented element within its own territory. The extent of this diversion of military force is frequently so considerable as to affect appreciably the progress of the civil war. Again, in foreign war, campaigns have usually been planned by military staffs during time of peace. This is seldom the case—indeed it is seldom possible—in civil war, and for this reason military tactics especially in the early stages of civil war are ordinarily more hesitant and more ineffective.

Civil war ends in one of three ways. Usually one faction subjugates the other; but one may establish its independence of the other; or the two factions may become mutually exhausted and arrange a truce which may last till the emergence of new and different issues saps the vitality of the original antagonism. The American Civil War illustrates the first termination, the war resulting in the separation of Belgium and Holland the second, the Wars of the Roses the third.

A process of accommodation must then set in at the end of military operations. There is at first a tentative adjustment; the previously warring factions arrive at some working basis for carrying on the activities of ordinary life. The intensity of their animosity decreases as this process of accommodation comes to cover a wider range of relationships. At first the contacts of the former antagonists are few and unfriendly, but gradually they increase in number and cordiality until at last a final adjustment is made and a new and stable equilibrium arrived at. As the civil war period recedes into history the former enemies may come to have a sentimental attachment for each other. While the question as to which government shall control is settled by civil war, it is as a part of this process of accommodation after the war that some scheme for deciding who shall man the new government is worked out.

As a result of civil war previously existing interest conflicts are either terminated or reduced to the competitive instead of the conflict level. The American Civil War terminated the conflict over slavery. On the other hand, following the military conflict between the Royalists and Parliamentarians in the English civil war of 1641–51, the same issue of monarchical absolutism appeared in the next generation in the political conflict of Tories and Whigs. In either case civil war commonly has far reaching effects on social institutions.

Civil war is not infrequently terminated by the intervention of foreign powers, as in the cases of Greece and Turkey in 1821–29, Hungary and Austria in 1848–49 and Belgium and Holland in 1830–32. During the course of a civil war, also, foreign powers may exert considerable influence. They may recognize either the belligerency or the independence of the faction carrying on civil war against the state of which it is legally a part. The recognition of belligerency confers upon such a faction a de facto international character in respect to the rights and duties of legal warfare. These include such things as the right of admission of the ships of the recognized faction into the ports of the recognizing nation, the right to borrow money on the credit of the de facto state which has been recognized, the right of visit and search at sea by the ships of the de facto state, the confiscation of contraband goods and the maintenance of blockade. The act of recognition imposes upon other nations the obligations of formal neutrality between the contending parties.

The recognition by foreign powers of the independence of new nations formed as the result of civil war is, like the recognition of belligerency, commonly though not always determined by the facts of the case. When the civil war has reached such a conclusion that it is manifestly impossible for the parent state to subdue the revolting community the latter is recognized by such nations as find it in their interest to enter into official relations with it. Premature recognition of the independence of a revolting faction in a civil war may, as an interference with its right to retain control of its own subjects, constitute an offense against the parent state. In certain cases recognition may amount to intervention. The collective recognition by the great powers of the de jure independence of Greece in 1827 was considerably in advance of its real independence and was the decisive element in the situation. This was true also of the recognition of the independence of Cuba by the United States in 1898 and of the recognition of the independence of Panama in 1903. In the two former cases international war was the result of such premature recognition. If the foreign powers believe it to be in their interest to recognize the belligerency or the independence of a faction in a civil war they can always do so at their own risk; such recognition has frequently been the most important factor in determining the issue of a conflict.

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See: WAR; WARFARE; CONQUEST; REVOLUTION; INSURRECTION; TERRORISM; COUP D'ÉTAT; SOVEREIGNTY; INTERVENTION; BELLIGERENCY; RECOGNITION, INTERNATIONAL; CONFLICT, SOCIAL; SOCIAL PROCESS.

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CIVILIZATION. The term "civilization" although derived from Latin is only an indirect derivation. In classical Latin the adjective *civilis* and the substantive *civilitas* denote general qualities connected with the citizen (*civis*) and more particularly a certain politeness and amiability, especially as shown by superiors, for example the Roman emperors, to inferiors. In the Middle Ages there seems to have been an extension of the meaning of the term, as in Dante's *De monarchia*, where *humana civilitas* denotes the largest and most comprehensive social entity rising above the individual, the family, the neighborhood and the nation.

The present form and connotation of the word were created by the rationalists of the eighteenth century, above all by Voltaire and the other French *encyclopédistes*. Dr. Johnson's biographer, Boswell, was the first to introduce it into English. The emphasis then clearly lay on the antithesis of civilization to feudalism and the "dark ages," and the group of value judgments bound up with this typically "enlightened" emphasis has ever since affected the concept of civilization and civilizing activities. The underlying premise, more or less uncritical, of the direct and rational progress of society and mankind is still most characteristic of the conception of civilization prevalent in America and the western European nations, while from Germans and Slavs have come repeated protests against the arbitrary and artificial character of the assumption of uniform civilization and progress.

The ancient Greeks and Romans did not draw a general contrast between the condition of the citizen body and the absence of material or mental progress. Indeed, they were given to identifying their own stage of social organization with that proper to man as such, and conversely to regarding as "inhuman" the men and societies they designated as barbarian. But the contrast was one of mental and personal accomplishment rather than of political freedom and equality. They did not hesitate to assign to barbarians an inferior status inside their own more "human" society. What they felt as the source of their own superiority was rather the mental refinement they described, by a metaphor from agriculture, as *cultura animi* (Cicero). In a similar sense modern writers have frequently insisted upon a concept of "culture" as independent from, or even opposed to, that of civilization. But the controversy centering in this conception has been blurred to a large extent by the passions of the World War era. It may be said in general that it is not advisable to neglect either the cultural aspect of civilization (as a more comprehensive idea or reality) or, vice versa (if civilization is conceived of more narrowly as technical and material progress), the part which the civilizing process plays in all culture.

The most persistent and pervasive antithesis to civilization is neither the ancient conception of "barbarism" nor the eighteenth century conception of an "unenlightened state" preceding the "enlightenment," but rather the anthropological and ethnological phenomenon of so-called primitive peoples (*Naturvölker*). This phenomenon presents a very difficult problem. It raises questions not only as to the nature of progress and the methods of attaining it but also as to the differences between (relatively) more stationary and more changing racial or social conditions, whether progressive or regressive. In the "primitive" tribes and races, which show a very small measure of development or, apparently, even fitness for development, both before and after their contact with "civilized" man, the riddle of Darwinism seemed to be transferred from physical to mental evolution. Here too there was the theoretical possibility of arranging different types into bio-genetic series, but hardly any empirical proof that one series had really developed out of the other. On the contrary, objective studies showed a high degree of mutual impermeability between these types.

With increasing maturity ethnology has lost its first assurance of a clearly defined path between prehistoric and modern man or of definite stations on this path to be assigned to different civilizations. At the same time a shift in emphasis appears to have taken place. The older ethnologists and sociologists were busy trying to find a boundary line separating the more general concept of civilization, as a system of social custom and organization, from the more special sense of the term, as denoting a higher, more rational and more commanding position of man in nature and society. Any such boundary line could not but be more or less arbitrary. If for example the use of writing as a method of fixing thought and the memory of generations beyond the reach of oral tradition was taken as the chief characteristic of civilization, in the sense of a superior state of man, recent research into the "ideographic" writing of dead and living languages has revealed the extremely slow, gradual and equivocal development of this method of fixation in connection with the evolution of speech and thought themselves. Modern sociology and anthropology, therefore, have come to distinguish not so much between higher and lower types of civilization as between the animal basis and the human superstructure in man and society at any stage, whether early and primitive or late and complex. This latter line of inquiry is apt to give a more balanced and objective view of social evolution since it directs attention more equally to the gains and to the losses involved in the evolution of the human superstructure. However much exaggeration there may have been in a recent fashion of treating man, and particularly modern man, as "degenerate," there is surely much to be said for the underlying assumption that the specific functions of human reason are to a considerable extent merely compensations for the weakening or loss of the play of animal instincts and habits.

From this newer and more objective viewpoint the old problem of the diversity and succession of civilizations assumes a more precise form. There is on the one hand a possibility of starting from the assumption of a more or less uniform natural endowment of man with a consequent more or less uniform development of this endowment in different societies, the "phylogenesis" of these societies repeating, more or less independently of outside influences, the "ontogenesis" of individual man from childhood to old age (or conversely, the individual man repeating the experience of the race). It was this uniform scheme of development from within that was conceived by Adolf Bastian as the "elementary thought of all peoples" (*Elementargedanke*). On the other hand, there is a possibility of starting from the assumption of different racial endowments, thus broadening and deversifying the animal basis of human development. From this point of view race becomes an independent variable amid the influences of physical and historical surroundings, and a much more important place is made for mutual and one-sided "receptions" of civilizations and the "diffusion" of higher throughout lower civilizations. Conceptions based on the hypothesis of racial differences have recently attained a certain currency in theories like that of Elliot Smith on the diffusion of Egyptian civilization or those of Leo Frobenius and Oswald Spengler on the "cultural circles" of different races and regions. It is true that any group of racial traits empirically established is in *a priori* theory capable of being resolved into a series of historical acquisitions imposed upon a basic human uniformity. But this theoretical possibility has little meaning for the more important questions whether particular racial traits are of remote or of recent origin and whether they do or do not yield readily to the forces of adaptation. Here as elsewhere the markedly liberal character of the thought of the eighteenth and nineteenth centuries offered an exceptionally fruitful soil for anthropological confirmations of the "equality of man," while twentieth century thought is apparently favorable to a reconsideration of the doctrine of the aboriginal diversity of civilizations which only in its cruder and more biased forms can be said to be obsolete.

Racial homogeneity and diversity, if only in the sense of long term fixations of systems of psycho-physiological traits and habits in different social groups, is indeed an indispensable assumption in explaining the most outstanding facts of civilizations and their history. The coexistence in primitive and also in most later societies of horizontal or "democratic" principles coordinating the life of all responsible individuals, and vertical or "autocratic" principles subordinating one part of the population to another, points to the conclusion that the cleavage of capitalistic society into the "two nations" (as Disraeli described them) is only one case under the more general rule that what we call one civilization consists frequently of several systems of traits and habits superimposed one above the other. Even the difference of sex is thus capable of furnishing, as in primitive matriarchal or modern gynecocratic arrangements, an ambivalent principle of social order. If once we cease to apply dogmatically the Spencerian theory about the succession of "industrial" to "military" civilizations we shall be struck by the equal mixture of force, whether actual or potential, and habitual subjection in modern and in primitive social dependence. And while at first sight the exclusive possession and use of arms appear to be the decisive factor in the rule of feudal lords and absolute monarchs, of Fascist and Communist parties alike, closer inspection reveals that outside of "epochs of transformation" actual force recedes before potential, and potential force in turn recedes before the more stable equilibrium of classes that rests upon their relative preponderance in civilization. The modern connection between democratic and nationalist movements is therefore not merely accidental. Both movements make for greater social uniformity, the one politically, the other culturally and racially. But in America and elsewhere both tend to fall into tragical contradiction with the "great society," which is characterized under the political surface of democratic government by economic and racial diversity and stratification.

Modern research has indicated that racial and other individual factors have played a prominent part in the development of civilization. Accordingly it has come to be an essential task of scholarship to account for the change and interchange of stages and systems in terms other than "psychic unity" and "mono-typical evolution." A complete theory of migrations will have to elucidate not only the wanderings of man, but also those of things, ideas and institutions over the surface of our planet. The functioning of prehistoric and protohistoric trade routes over continents and seas and the conquering expansion of nomadic tribes may at first sight appear like antithetical activities, after the pattern of the Spencerian theory of the antithesis of military and industrial activities. But closer study reveals a common driving force behind both activities. The position of the trader without an adequate hinterland is analogous to that of the nomad pressed back by the desert. Both are forced outward into various enterprises, instead of being permitted to remain passive in circumstances affording a sufficiency. In connection with problems of this character detailed inquiry has to step in to replace empty formulae by realistic, if much more complicated, evidence. Old notions about the transfer of civilizations in space and time will have to be refined and revised. Besides the conscious and voluntary elements of what is usually regarded as the "renaissance" or "reception" of an older or foreign civilization the deeper unconscious and involuntary elements that transmit civilizing influences "through the air," as it were, have to be discovered. It becomes necessary to account for the influence of mechanical contacts and for the persistence of cultural material such as technical instruments, buildings or even sites of settlements. It is to be questioned whether any renaissance or reception, such as the well known renewals of ancient civilization by the late Middle Ages, would have been possible at all without a kind of underground continuity, as for example through the Roman church or the Roman Empire, which kept open the unconscious flow of civilized attitudes from the earlier source to the society which served as receptacle for civilization revived.

In this connection it may well be doubted whether there has ever been to any considerable extent what is called a "loss" or even a definite standstill of a highly developed civilization. The disappearance of the great civilizations of Central and South America and that of Central Africa does indeed appear to present as irrefutable evidence of the perishable character of a civilization as the continuity of Chinese civilization appears to present of its persistence. When, however, we take into account, on the one hand, the possible and probable radiation of such civilizations (as for instance that of Central America into the Pacific and the Far East) and, on the other hand, the fact that they may merely have been thrust underground by the actively superior force of European enterprise, we are at least bound to reserve judgment as to whether the dead and the lost may not be either living in full vigor around us or else lying dormant and capable of shooting up later with renewed life.

Conversely, science ought not to accept too lightly and uncritically the assumption of a central stream or reservoir of "world civilization" into which select elements from the particular civilization of all ages and races may be received as so many tributaries. The weakening of the fundamental classical and mediaeval traditions of Europe that is going on under our eyes not only in revolutionary Russia but almost as markedly in peaceful America should warn us against hastily setting up the historic system of "European civilization" as a more persistent system than those that have disappeared before it.

We may look upon race as a kind of conduit for conveying the transferable contents of civilization, such as religion, art, science and language. Parallel to civilization in this sense is the customary and legal organization in governments and states, in its origin a substitute for primaeval kinship organization. Just as the rigidity or flexibility of races has long been a subject of historical speculation, so the more or less transitory correlation between political organization and systems of civilization has been a favorite subject of inquiry. Opinions have divided in analogous fashion. Those who minimize the racial factor are inclined to stress the independence of "cultural development," while the "primacy of the state" has been accepted especially by believers in the multiplicity and individuality of the human mind. It would hardly be an exaggeration to say that the spirit of comparative and "universal" history, since the days of Aristotle and Polybius, has been determined by this problem of the relations between political and cultural change. The theories of the mediaeval church concerning a series of "ages of the world," seen as a succession of "monarchies" from Babylon to Rome, already contained very clearly the idea of a "translation" not only of empire but of the mission entrusted to it. Modern philosophers of history, from Montesquieu to Guglielmo Ferrero, in dealing with their favorite theme, the "grandeur et décadence" of the Roman Empire, have elaborated the idea by trying to establish definite causal relations between political changes and changes in civilization. Even the last and most powerful attempt at historical system building, the "economic interpretation" derived by Karl Marx from the Hegelian concept of dialectical evolution, restates the old problem in terms of the contrast between technical "forces of production" and juridical "relations of production."

The Marxian system is strictly universal because it is strictly "materialistic." Only in its doubtful conceptions of the "future state" and its "classless society" does it show an element of freedom from the universal law of evolution. One type of the historical interpretation of civilization appears to present even a higher degree of generality. This is the type which likens to the ontogenesis of individual man from childhood to old age not only the whole of human evolution as an abstract and average of historical civilizations but also these single civilizations themselves. Both materialistic socialism and progressive liberalism make much of the social and economic gains from rational education and technical advance, factors capable of cumulative effect and suggesting the possibility of continuous progress. The ontogenetic view regards the different systems of civilization, such as the classical European or the capitalistic system, as so many parallel, and sometimes overlapping, life processes each with a primaeval, a middle and a decadent stage. From this point of view civilization is seen not so much as the maturing and progressive elements in this process but rather as the decaying and degenerating elements. In the last instance this view always results in the concept of a cyclical movement of mankind, in which the individual civilizations rise, fall and are replaced by their successors like generations succeeding one another, or like fashions and habits which first spread, then sink from "higher" to "lower" classes and finally disappear.

It is an interesting problem for sociology and psychology to determine the typical circumstances under which the cycle theory of civilization has taken such different, and yet at bottom similar, forms as those of the ancient Stoa, the modern school of Rousseau or the Indian doctrine of incarnation. These theories differ chiefly on questions as to what are healthy phenomena and what are decadent; they differ also on the point whether a new cycle would have to go back to the same starting point as the old, or might keep some of the gains of the old and advance to new goals.

To the scientific observer there is an accumulating momentum and an internal coherence in certain aspects of civilization, such as the scientific and technical, as well as a revolving movement in certain others, such as the religious and artistic. Surely the common view that "man is many, and civilization one" is incorrect. But neither is the reverse thesis that "man is one, and civilizations are many" sufficient for other than quite general purposes. Practically we shall do well to assume that man is many and civilizations also are many.

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See: CULTURE; SOCIETY; SOCIAL PROCESS; RACE; MIGRATION; MAN; RELIGION; ART; LANGUAGE; SCIENCE; EDUCATION; SOCIAL ORGANIZATION; STATE.

Consult: Ogburn, W. F., *Social Change* (New York 1922); Wissler, Clark, *Man and Culture* (New York 1923); Tozzer, A. M., *Social Origins and Social Continuities* (New York 1925); Weber, Alfred, "Prinzipielles zur Kultursoziologie" in *Archiv für Sozialwissenschaft und Sozialpolitik*, vol. xlvii (1921) 1–49; Brinkmann, C., "Der 'Überbau' und die Wissenschaften von Staat und Gesellschaft" in *Schmollers Jahrbuch*, vol. liv (1930) 437–56.

CLAMAGERAN, JEAN JULES (1827–1903), French statesman and economist. An ardent republican, he became involved in the attempts of Ledru-Rollin to curb the growing power of Louis Napoleon and with their failure in 1849 was obliged to go into temporary hiding. After receiving his doctorate in law in 1851 he traveled extensively, especially in the United States, to which he was strongly attracted partly because of his interest in its rapid economic development but especially because it represented to him the ideal of republicanism. His keen observations of his travels are largely recorded in his letters (*Correspondance, 1849–1902*, Paris 1906). Clamageran participated actively in the election of 1863 having been one of the editors of the *Manuel électoral* (Paris 1861; abr. tr. Edinburgh 1865), which was prepared as an aid to republican voters and candidates in that campaign. During the siege of Paris he was in charge of the important problem of provisions. With the establishment of the republic he entered more actively into political life, serving successively as municipal councilor of Paris, as councilor of state and finally as life senator. He was named by Brisson to the Ministry of Finance (1885) but ill health forced him to resign almost immediately.

Clamageran's chief economic work is the *Histoire de l'impôt en France* (3 vols., Paris 1867–76), a careful, scholarly study of French public finance from earliest times through the death of Louis xv. He wrote other works on specific phases of French governmental finance and his *La France républicaine* (Paris 1873) devotes an important section to the question of tax reform. While his economic views were those of the orthodox liberal school, with consistent adherence to the doctrine of free trade, his writings manifest a realism and originality of spirit which were strengthened by his studies in history and his practical experience in political and financial affairs. His liberalism in economics and politics carried over into his religious life, and he took a prominent part in the struggles between the orthodox and liberal elements in the Protestant church, to which he belonged. He stressed the importance of individual freedom in the interpretation of Christianity, and looked forward to the establishment of a universal Christian church which would embrace in its simplicity of faith all shades and opinions (*De l'état actuel du protestantisme en France*, Paris 1857).

JOSEPH J. SENTURIA

Consult: Berthelot, M., in *Revue de Paris*, vol. ii (1904) 468–84; Passy, F., "Clamageran" in *Journal des économistes*, 6th ser., vol. ix (1906) 184–92; Weill, G. J., *Histoire du parti républicain en France (1814–1870)* (new ed. Paris 1928).

CLAN. *See* SOCIAL ORGANIZATION.

CLARENDON, CONSTITUTIONS OF. *See* BENEFIT OF CLERGY.

CLARENDON, EDWARD HYDE, FIRST EARL OF (1609–74), English statesman and historian. Elected to the House of Commons in 1640 Hyde played an outstanding part in English political history for nearly a generation. At first he identified himself with the popular cause, joining in the condemnation of ship money, but when the extremists gained the upper hand he turned royalist, became chancellor of the exchequer in 1643 and from then until 1649 was the king's right hand. During the nine years of Charles II's exile in France Clarendon was his principal adviser and in 1658 received the lord chancellorship and on the Restoration an earldom.

Throughout his career he stood unflinchingly and almost fanatically for two main principles, the monarchy and episcopacy. Although in later years he professed to discourage the worst extravagances of the reinstated church party he favored the passing of the Corporation Act (1661) and the Act of Uniformity (1662), which respectively disqualified Presbyterians for municipal service and purged the church of its Puritan clergy. In his defense of royal prerogative he went to the extreme limit compatible with legality. His influence was openly directed toward making the crown as independent as possible of Parliament, by placing at its disposal ample permanent revenues. In 1667 his royal master, whom he had served with a blind devotion which led him at times to forget the duty of a patriot, relieved him of office. Impeached by the House of Commons he fled the country and died in banishment at Rouen.

His *History of the Rebellion and Civil Wars in England* (3 vols., Oxford 1702–04; new ed. in 6 vols. by W. D. Macray, Oxford 1888) and his *Life* (Oxford 1759, new ed. in 2 vols., 1857) rank as "human documents" of unique interest, although neither is distinguished by impartiality or accuracy.

W. H. DAWSON

Consult: Firth, C. H., *Edward Hyde, Earl of Clarendon, as Statesman, Historian, and Chancellor of the University* (Oxford 1909).

CLARKSON, THOMAS (1760–1846), pioneer British abolitionist. Clarkson was one of the few non-Quakers among the early leaders of the movement. He was active for over sixty years as agitator, organizer and writer, and as a leader in the fight on slavery ranks with William Wilberforce. His three main objectives were the universal abolition of the slave trade, the universal freeing of slaves and the orderly economic development of Africa and its civilization by missionary activity. Clarkson's interest in abolition was aroused during his student days at St. John's College, Cambridge. His Latin essay, "Is it right to make men slaves against their will?" brought him into contact with Granville Sharp and William Wilberforce and into the heat of the abolition battle. At the beginning of the French Revolution he spent six months in Paris, but although he enlisted the sympathies of Mirabeau, Brissot, Lafayette and Necker he realized no practical success.

As a collector of evidence Clarkson probably has never been surpassed among reformers. Illustrative of his zeal was his search of the ports of the kingdom for a man wanted as a witness, whose name he did not even know, but whom he found on the 317th ship visited. He traced the fate of 20,000 seamen until he proved conclusively that the trade was not the nursery of seamen but their grave. Briefly, he gave "the Abolition movement its essential basis of hard fact" (Coupland, p. 101). As late in life as 1839 Clarkson threw himself into the work of the recently organized British and Foreign Anti-Slavery Society. He carried on a vigorous correspondence with Lord Ashburton and others regarding the interpretation of the extradition clause of the Webster-Ashburton Treaty, and urged Lord Aberdeen at the British Foreign Office to prevent the annexation of Texas by the United States. He interested himself in the fugitive slaves in Canada and in the free Negroes in the United States, keeping on intimate terms with all American antislavery groups.

Clarkson was the author of a score of books, of which the *History of the Rise, Progress and Accomplishment of the Abolition of the African Slave Trade by the British Parliament* (2 vols., London 1808) and *Memoirs of the Private and Public Life of W. Penn* (2 vols., London 1813; rev. ed. by W. E. Forster, 1849) are best known.

Frank J. Klingberg

Consult: Taylor, Thomas, *Biographical Sketch of Thomas Clarkson, M.A.* (2nd ed. London 1847); Elmes, J., *Thomas Clarkson* (London 1854); Klingberg, Frank J., *The Anti-Slavery Movement in England* (New Haven 1926); Coupland, Reginald, *Wilberforce, A Narrative* (Oxford 1923); *A Side-Light on Anglo-American Relations, 1839–1858*, ed. by A. H. Abel and F. J. Klingberg (Lancaster, Pa. 1927).

CLARTÉ MOVEMENT. The Clarté movement was an attempt to organize writers and scientists both of the Allies and of the Central Powers into "a league of intellectual solidarity for the triumph of the international cause." It was started in France in February, 1919, three months after the Armistice, by an "appeal from the intellectual combatants of France to the intellectual combatants of the whole world." Its purpose was to oppose "continuing the war after the peace" and to rebuild the "International of Thought." The name of the movement was taken from a novel, *Clarté* (Paris 1919; tr. by F. Wray, New York 1919) by Henri Barbusse, who during the war had won the Goncourt Prize with one of the most widely read of all the war books, *Le feu* (Paris 1916; English translation, London 1917). At the end of the war the hero of *Clarté* has a vision of a revolution in the minds of men and the building of a universal republic; this was the inspiration of the Clarté movement.

Barbusse himself was the leader of the movement. With him were associated in the international directing committee, among others, the distinguished French writers, Anatole France, Georges Duhamel and Jules Romains; English writers such as Thomas Hardy and H. G. Wells; the Danish critic, Georg Brandes; the Austrians, Stefan Zweig and Andreas Latsko; and the American, Upton Sinclair. The members of this "fraternal group of free spirits" pledged themselves to help bring about "a moral revolution necessary for the reign of justice."

Clarté groups were formed in various countries but it was, above all, in France that the movement flourished. There sections were formed of men of letters, professors, teachers, students, artists, technicians and working men. Of these the *sections universitaires* were the most active. Cooperation between the intellectuals and the manual laborers was especially urged. A union of classes as well as of nations was hoped for on the principle that "the war between classes will be annihilated by the unification of classes as the war between peoples will be annihilated by the unification of peoples."

The official organ of the movement was *Clarté: Bulletin Français de l'Internationale de la Pensée*, a biweekly which made its first appearance on October 11, 1919. It was edited by Barbusse until 1927, when he became more and more closely identified with the orthodox Communist party in France. The journal then passed into the hands of a young French Trotskyist group, hostile to Barbusse. In March, 1928, the name of the periodical was changed from *Clarté* to *La lutte des classes*. In the meantime Barbusse had founded another international review, *Monde*. The Clarté movement as such ceased to function, although many of the ideals of its founder were carried on by the "Amis de Monde," international groups affiliated with the new review.

H. W. L. Dana

See: World War; Communist Parties; Internationalism.

Consult: Barbusse, H., *La lueur dans l'abîme: Ce que veut le Groupe Clarté* (Paris 1920).

CLASS. The concept of class is concerned with the social differentiation of groups. In ancient times social differentiation was one not of class but of status or rank. Membership in a station of society was bound up with privileges in the realm of public and private law. Differentiation according to status was fixed; a man was born into a certain station, his membership in it was determined by law and custom and a change of status was practically out of question. In contrast with this conception one may, with Max Weber, speak of classes as existing when a transition from one social group to another is easily possible for the individual, either personally or in the course of generations, and when such a transition does take place rather frequently. These two principles of social organization—that of status and that of class—are not easily distinguishable, for historically they are to be found existing side by side and often overlapping.

In common speech the term class is used in greatly varying senses. One speaks of upper, middle and lower, of propertied and nonpropertied, of productive and unproductive, of educated and uneducated, classes. In this very general sense the term class is practically meaningless; it says only that a group of people have certain characteristics in common. To give this conception sharper outline and some scientific utility it must denote a group where the characteristics held in common are perfectly definite and already determined. Thus occupational groups, or classes, must fall outside the category. If they are conceived of as all those groups which, like the agricultural or commercial, have common interests merely because they are engaged in the same industry, the concept cuts only vertically through the population. Shipping magnates fall into the same industrial class with stevedores, bankers with bank clerks, landed proprietors with agricultural laborers. But the general concept of the word class today is a different one. It has reference not to occupational groups, where the common characteristic possessed is external and superficial, but to social classes; it is intended to analyze the social structure and the social stratification of the population. Landed proprietors and agricultural laborers, bankers and bank clerks, may have the same industrial interests, and a good business situation in the industry may benefit each of them; nevertheless, they belong to different social classes. A social stratification in this sense cuts horizontally through the population.

The writers on the question of what is essential in the concept of social classes fall broadly into two groups—those selecting the objective factors at the basis of class and those selecting the subjective. Among the former some regard as basic the ownership or non-ownership of the instruments of production—a concept essentially Marxian; others lay less stress upon the distribution of property than upon the general standard of living, holding that in modern society the elements around which a class is built up are generally the same within a particular standard of living. Other objective factors have been selected as well; thus Max Weber builds the concept of a class upon (1) the possession of economic means, (2) external standard of living, (3) cultural and recreational possibilities.

According to the subjectivists classes are groups whose sources of income are similar and whose economic interests coincide. In this conception the subjective factor lies in a community of interest and outlook, rooted in the economic structure of any given period. Sombart, who has stressed this subjective aspect most sharply, conceives of a social class as a group which by its way of thinking stands for a particular system of economic organization. In such a view the common interests, common ideology, common consciousness of cohesion, come to the fore. Other theorists regard as essential the degree of esteem in which a group is held, thus making classes essentially a gradation of ranks based on prestige. This view approaches that of those who see no essential distinction between class and status but, as in the case of Spann, regard such theories as that of Sombart as too economic in foundation and too little concerned with the individual mind. They conceive of social division according to rank and class as universal. They classify the gradations of rank into social strata on the principle of "the subordination of the intellectually inferior to the intellectually superior." Such a conception seems to accord less with actual social conditions than with certain preconceived social ideas.

That various theorists should have found the essential nature of class in such different attributes is to a great extent due to their having in mind different historical periods, for in the historical development of classes essential changes have taken place in their nature. In tracing this historical evolution it will be necessary to premise a concept of class of the most general sort, to include all those situations where gradations of rank and relations of dependence occur, associated with differences of social position and variations in both outer and inner conditions of life so marked that we may speak of the group as having a common economic position. One other premise is necessary in order to distinguish class from status—that mobility from one group to another be possible and that it frequently occur.

Using such a criterion we find in primitive societies group structures which have unmistakably the character of classes. Where a community is not a closed society with a caste system, certain individuals are often set apart from the rest of the community because of acquisition of wealth or display of unusual craftsmanship; hereditary aristocracies and priesthoods are also common, but the social mobility within them is relatively small. Fahlbeck and others have shown that the transition from a society of status to one of class occurred in Greece during the seventh and sixth centuries B.C. and in Rome somewhat later. As early as Hesiod we find a sharp criticism of the plutocratic tendency of the aristocracy, which expressed itself in the exploitation of labor. The first class conflict in Greece arose from opposition to the landed aristocracy. The peasantry, heavily in debt to the aristocracy under a system where debt led to slavery, brought about the Solonian legislation and the extension to a wider circle of citizenry of political rights and admission to public office. These reforms, as Fahlbeck has observed, while they did not efface the social distinctions, divested them of their legal sanctions and thereby transformed a differentiation by status into a differentiation by class. Formal freedom and equality allowed genuine classes to be formed through the operation of economic factors. Sparta alone, with a political social structure completely different from that of the other Greek city-states and clinging firmly to traditional forms of status, knew at this time nothing of classes or class conflict. With the industrial and commercial development that followed the Persian wars personal property became increasingly important and the conflict of classes was accordingly transformed. Under the emerging democratic forms this conflict was waged through the formation of parties and the struggle for political power. The demands for political and economic equality led eventually to the virtual confiscation of the property of the wealthy, usually through exorbitant taxation.

An essentially similar development occurred in Rome. A social differentiation on the basis of status, by which political power was concentrated among the landed families while opposite them stood a group of plebeians who although free had no political rights, was gradually broken down and the way opened for differentiation into classes. The centuriate constitution of Servius Tullius, under which the centuries were organized on the basis of property, was a crucial entering wedge, and this was followed by the wresting of political concessions from the patricians until the ever widening circle of those obtaining political rights came to include even freedmen. When the transition had been completed the development of Roman social organization continued in the direction of sharpening the outlines of the class structure. After the subjugation of Italy and the Punic wars inequalities in wealth were accentuated, and the newly emerging moneyed interests, especially the equites, won increasing power and attained a position beside the old nobility. The great latifundia came into existence. Largely because of the wars and the competition of grain from other countries the peasant class disintegrated, and attempts to retain it, like those made by the Gracchi, met with failure. Deprived of land and livelihood the peasants thronged to the metropolis, where they constituted an enormous proletariat and led a meager existence on public doles. Thus definite property classes emerged, with the sharpest contrasts in the distribution of wealth. With the economic collapse of the empire and the return to a "natural economy" the peasants were hereditarily bound to the soil through the creation of the colonate, and Italy reverted to the old system of occupational status.

In the Middle Ages the feudal system represented a social organization based on status. With the increasing importance of production for the market and trade and with the coming of the money economy, factors in addition to those of descent began to affect social differentiation. As early as the Carolingian period marked changes were evident, especially with regard to emancipation. Gradations arose among the free and the less free, and even within these there were divisions. Neither ranks nor classes remained permanent or unchanged but disintegrated into subgroups, and it is precisely these subgroups which were a significant symptom that changes were taking place in the system of social differentiation. Then gradations of this sort began to arise among the unfree as well. At the other end of the scale with the strengthening of princely power there emerged alongside the old aristocracy of birth a new aristocracy of office—ministers in the service of the prince. With the growth of cities and trade and the development of a money economy still another occupational class took its place with the aristocracy and the peasants—the burghers. We can thus discern office and vocation beginning slowly to determine social position and members of the most diverse ranks by birth—even the unfree and the freedmen—finding it possible to move to higher social strata. These new elements did not immediately displace the old; the two functioned side by side for several centuries. And while the new classes were occupational they remained at the outset quite rigid. But wealth and vocation kept continually displacing the facts of birth and descent. Although one was as before born to a certain station in society, it became more frequently possible to attain to another. And with the shift of income and wealth to the newer elements even these occupational groupings came to be merely empty forms. From the sixteenth century until the present time economic and intellectual development have, to follow Schmoller, been making for the displacement of this system of social organization. In Prussia in 1807 the famous edict of October 9 decreed that everyone—noble, burgher or peasant—might, without detriment to his station, take possession of his property and engage in the pursuits of trade and industry; but this was merely the placing of the stamp of legality upon the product of centuries of slow but uninterrupted economic and social evolution.

While this evolution was essentially similar in all European states, the manner and time in which it took place differed. Particularly in the Italian city-states and in England and France the class organization evolved earlier than in other countries. In England the wealthy merchant class had by the end of the seventeenth century attained an influential place in Parliament. In France at this time numerous burghers had been elevated to the nobility and after 1715 they could acquire the estates of the nobility. About both countries Sombart wrote that since the time of the Tudors and Stuarts their nobility had been almost wholly transformed into an "aristocracy of finance and the countinghouse."

It was only at the beginning of the nineteenth century, however, that changes in the distribution of wealth attained so great an influence upon social stratification and social mobility as to transform the nature of the class structure. With the growth of capitalism and large scale industry and with advances in technique the economic element—chiefly the possession of property—played a greater role than ever in the determination of class membership. The more purely social factors yielded almost entirely to the economic, and the number of people increased whose lot it was because of their lack of property to belong always to the wage earning class. With the advance of socialism there came to the fore an ideology deriving from the particular situation in which the working class found itself. Especially to members of those strata which seemed to be in the most desperate plight the crux of the class question was no longer found to inhere in the general situation mentioned above—mobility within the social groups as contrasted with the rigidity of a structure of status—but rather in the economic condition of each particular class. The emphasis had been shifted from the general antithesis between status and class to the economic differentia between particular classes. It was becoming increasingly obvious that membership in a certain class was determined by the distribution of wealth and income.

In this period, when popular education was increasing and when, above all, the growth of cities made social contrasts stand out more startlingly, the economic plight of a class could not but have a deep effect on the consciousness of the group concerned. Within a class common interests and a close feeling of cohesion are necessarily built up; and out of that the acts and the wills of those at the most diverse levels of the class are fused and consolidated into a common antagonism to the existing economic system and a desire for the creation of a new one. Out of this antagonism arises a community of opinion, belief and attitude. Sombart has defined four of such classes in the contemporary situation, each with its particular ideology: the feudal aristocracy as representative of a patriarchal proprietorship; the petty bourgeoisie, especially the handicrafts, as representative of an economic organization associated traditionally with craftsmanship; the bourgeoisie as representative of the capitalistic system; and the proletariat as the opponent of this system. It need scarcely be added that such a classification, while valid in its general outlines, is not equally so for all countries.

Thus in the course of historical development new criteria for the essential nature of classes have arisen to supplant the old. The emergence of such a criterion as the subjective one of a common economic ideology had necessarily to wait for the developments of the last century. Before that the workers as a class were too undeveloped to have a common consciousness of their plight and their interests; they were too closely bound to handicraft and to the particular nature of their own vocation. While there have been instances of class conflict in history—

notably in the classical civilizations—Marx's statement that "the history of all society up to now is the history of class struggles" must be rejected as too sweeping. The class struggle as motivated by a class conscious opposition to the existing capitalistic structure of society is a modern phenomenon. To project this concept upon the past, or to deny the existence of classes in the past as long as the common ideology we now predicate was absent, is equally confusing.

In clarifying the class concept it is of great significance to determine the manner of the origin of classes. Decades ago this problem constituted the subject of a controversy between Gustav Schmoller and Karl Bücher. The former asserted that classes were the result of the division of labor, the differences of occupation having certain physical and psychological effects upon individuals which were transmitted and crystallized by the natural selection of variations through heredity. Bücher, on the other hand, asserts a causal relationship running in the opposite direction, claiming that differences in wealth and in income were the cause rather than the result of the division of labor. While in the original formation of classes the division of labor may have had some such function as Schmoller suggests, Bücher's view is correct as regards its relation to the formation of modern classes.

While the determining forces in class formation have been in early times social and in recent times mainly economic, certain qualifications must be added. There has been a wish to see the formation of classes as a socio-biological fact—to view them as the outgrowth of the natural inequality and native differences of men in the struggle for existence. This thesis has been advanced in England principally by Sir Francis Galton in his *Inquiries into Human Faculty and its Development* (London 1883), in France by Georges Vacher de Lapouge in *Les sélections sociales* (Paris 1896) and in Germany by Otto Ammon in *Die Gesellschaftsordnung und ihre natürlichen Grundlagen* (Jena 1895). It sees the social elevation of individuals and therefore the formation of classes as a consequence of extraordinary ability and achievement. Such a view can have complete validity only where the competition which it premises is carried on between individuals who are at an equal advantage, and under modern economic conditions this is obviously an untenable postulate. Yet there is some value in the conception. Even today achievement and native endowment play in the formation of classes a role whose social significance should not be lightly estimated. Experience shows that such an ascent of the social ladder does frequently take place, though slowly and step by step. The fact in itself that the higher levels reproduce themselves, generally speaking, only in insufficient measure makes such a mobility inevitable. From the economic standpoint as well this mobility is significant. It brings into industrial leadership a constantly self-renewing stream of ability from the masses.

Unfortunately, statistical science all over the world has thus far paid too little attention to the manner in which class formation takes place, although data could easily have been made available. In a society where movement from a lower to a higher class occurs to a great extent and where the workers are not politically subordinated, class conflicts are attenuated and the ideology of the class struggle finds it difficult to gain foothold. In the United States, for example, the opportunity for a worker to rise higher in his own class and even out of it into another is greater than in Europe, and his social position carries more respect; in addition, it has been asserted that the American political and economic situation is such that "a labor movement hostile to state and society would with difficulty strike root." The United States, while it is not by any means a classless society, is a good instance of how tentative and shifting class lines may become when the economic driving forces of a society tend to obliterate social and political distinctions and when they are themselves so completely in a state of transition that no class can remain crystallized for long. Even outside the United States one must be wary of conceiving a class as a completely homogeneous unit, economically and socially coordinated. Within the working class itself there are gradations and distinctions, and the transition from unskilled to highly skilled labor within a single generation represents in itself a great social advance.

The present day class structure of society has been attacked from two directions. The socialists have as their ideal a classless society, but it is more than doubtful that this goal can ever be completely attained. There are others who view modern classes as constituting a principle of social division dominated by the relations of the individual to production and acquisition and deeply concerned with considerations of equality or inequality of interests. Seen in such a way classes are purely mechanical constituents of society. Very recently the conviction has grown that, while the earlier systems of status and rank arose spontaneously out of a common way of life and felt themselves to be organic units belonging to a whole and subordinating their interests to it, classes, on the contrary, are self-seeking and disintegrating groups whose destructive effect on state and society must be reckoned with. Over against considerations of this sort it is to be noted that many in Europe today look forward to a displacement of the class structure by a return to a division of the population according to ranks determined by occupation. Such a transformation has already been realized to a large extent in Fascist Italy.

Paul Mombert

See: Society; Social Organization; Social Process; Status; Group; Caste; Serfdom; Slavery; Aristocracy; Bourgeoisie; Middle Class; Proletariat; Peasantry; Priesthood; Landed Estates; Captain of Industry; Plutocracy; Democracy; Individualism; Mobility, Social; Class Consciousness; Class Struggle.

Consult: Bauer, Arthur, *Les classes sociales: analyse de la vie sociale* (Paris 1902); Overbegh, C. van, "La classe sociale" in Société Belge de Sociologie, *Annales de sociologie et mouvement sociologique international*, vol. ii (1905) 365–595; Albrecht, Gerhard, *Die sozialen Klassen* (Leipsic 1926); Spann, Othmar, "Klasse und Stand" in *Handwörterbuch der Staatswissenschaften*, vol. v (4th ed. Jena 1923) 692–705; Mombert, Paul, "Zum Wesen der sozialen Klasse" in *Hauptprobleme der Soziologie: Erinnerungsgabe für Max Weber*, 2 vols. (Munich 1923) vol. ii, p. 237–77; Weber, Max, *Wirtschaft und Gesellschaft*, vol. iii of *Grundriss der Sozialökonomik* (2nd ed. Tübingen 1925); Schumpeter, Josef, "Die sozialen Klassen im ethnisch-homogenen Milieu" in *Archiv für Sozialwissenschaft und Sozialpolitik*, vol. lvii (1927) 1–67; Simmel, Georg, *Über soziale Differenzierung* (Leipsic 1902); Schmoller, Gustav, "Das Wesen der Arbeitsteilung und der socialen Klassenbildung" in *Schmollers Jahrbuch*, vol. xiv (1890) 45–105; Bücher, Karl, "Arbeitsgliederung und soziale Klassenbildung" in *Die Entstehung der Volkswirtschaft* (Tübingen 1893, 16th ed. 1922), tr. from 3rd ed. by S. M. Wickett as *Industrial Evolution* (New York 1901) ch. ix; Ward, Lester, "Social Classes and Sociological Theory" in *American Journal of Sociology*, vol. xiii (1907–08) 617–27; Pareto, Vilfredo, *Trattato di sociologie generale*, 2 vols. (2nd ed. Florence 1923); Sorokin, P. A., *Social Mobility* (New York 1927); North, C. C., *Social Differentiation* (Chapel Hill, N. C. 1926); Fahlbeck, Pontus E., *Die Klassen und die Gesellschaft: eine geschichtlich-soziologische Studie über Entstehung, Entwicklung und Bedeutung des Klassenwesens* (Jena 1922); Pöhlmann, Robert, *Geschichte der sozialen Frage und des Sozialismus in der antiken Welt*, 2 vols. (3rd ed. Munich 1925); Bücher, Karl, "Die Aufstände der unfreien Arbeiter" in his *Beiträge zur Wirtschaftsgeschichte* (Tübingen 1922) ch. ii; Jecht, Horst, "Studien zur gesellschaftlichen Struktur der mittelalterlichen Städte" in *Vierteljahrschrift für Sozial- und Wirtschaftsgeschichte*, vol. xix (1926) 48–85; Hammond, J. L. L. and B. B., *The Town Labourer, 1760–1832* (London 1917); Kovalewsky, M. M., *La France économique et sociale à la veille de la révolution*, 2 vols. (Paris 1909–11); Sée, Henri, *La vie économique et les classes sociales en France au* XVIII^{e} *siècle* (Paris 1924); Marx, Karl, *Das Kapital*, 3 vols. (Hamburg 1890–94), several English translations, particularly vol. iii, ch. lii; Adler, Max, *Die Staatsauffassung des Marxismus*, Marx-Studien, vol. iv, pt. ii (Vienna 1922); Giddings, F. H., *The Principles of Sociology* (3rd ed. New York 1893); Sombart, Werner, *Der moderne Kapitalismus*, 3 vols. (6th ed. Munich 1924–27); Oppenheimer, Franz, *System der Soziologie*, vols. i–iv (Jena 1922–29); Schmoller, Gustav, *Die soziale Frage: Klassenbildung, Arbeiterfrage und Klassenkampf* (Munich 1918); *Grundriss der Sozialökonomik*, vols. i–x (Tübingen 1914–30) vol. ix, pt. i; Heimann, Eduard, *Die sittliche Idee des Klassenkampfes und die Entartung des Kapitalismus* (Berlin 1926); Michels, Roberto, *Zur Soziologie des Parteiwesens* (2nd ed. Leipsic 1925), tr. by Eden and Cedar Paul as *Political Parties* (New York 1915); Thurnwald, Richard, *Partei und Klasse im Lebensprozess der Gesellschaft*, Forschungen zur Völkerpsychologie und Soziologie, vol. ii (Leipsic 1926); Michels, Roberto, "Beitrag zur Lehre von der Klassenbildung" in *Archiv für Sozialwissenschaft und Sozialpolitik*, vol. xlix (1922) 561–93; Mombert, Paul, "Die Tatsachen der Klassenbildung" in *Schmollers Jahrbuch*, vol. xliv (1920) 1041–70; Brauweiler, Heinz, *Berufsstand und Staat* (Berlin 1925).

CLASS CONSCIOUSNESS. Classes in modern societies may be described as groups of individuals who, through common descent, similarity of occupation, wealth and education, have come to have a similar mode of life, a similar stock of ideas, feelings, attitudes and forms of behavior and who, on any or all these grounds, meet one another on equal terms and regard themselves, although with varying degrees of explicitness, as belonging to one group. The psychology of class differentiation has not been studied with sufficient thoroughness and there is as yet no generally accepted technique for the observation, analysis and record of the behavior of groups in relation to one another. Accordingly it is extremely difficult to say what exactly one is conscious of when one is class conscious. In the case of the ancient and mediaeval systems of more or less rigid estates (*Stände*) this problem presented less difficulty. It was possible, at any rate in the case of the upper levels of society, to point to determinate interests and purposes common to and characterizing certain classes. Under modern conditions classes can hardly be defined functionally, nor is it always possible to specify precisely the interests or purposes which members of a class have in common as against others.

Nevertheless, it is a great mistake to minimize the reality of class distinctions even in cases where it is not possible to point to definite cohesive groups clearly aware of their collective interests. While classes may become associations, as for example when they form the basis of political parties, they are not as such associational and they cannot be defined by their ends or purposes. But the psychological factors which enter into class formation, although more vague, are not necessarily on that account less powerful than those which bind the members of associations to one another. They may be interpreted best, perhaps, in terms of the modern theory of "sentiments." These are systems of emotions or emotional dispositions centering around a common object or having a common nucleus. The sentiments which are important in this connection are of three sorts. There is, first, a "consciousness of kind," as it has been called, in relation to members of one's class, a confidence that one can meet them on equal terms and that one's mode of behavior will be in harmony with the behavior prevalent in the group. There is, secondly, a feeling of inferiority in relation to those above in the social hierarchy; and thirdly, a feeling of superiority in relation to those below.

All these states of mind are extremely complex. This is due partly to the large number of gradations in the social scale and the continual intersection of levels in mobile societies resulting in a very intricate intermingling of attitudes. There are, for example, the fear of losing caste, the dread of sinking in the social hierarchy, the desire of upward movement or of improvement of status at least for one's children, the keeping up of appearances. Further complexity is due to the well known fact that the sentiments of equality, inferiority and superiority admit of subtle and intricate forms of inversion and compensation. Here belong the phenomena of the exaggerated aggressiveness of the upstart and the arrogant humility of the upper classes when they enter into relations with the lower. It may be remarked in passing that conscious and unconscious attitudes of the kind referred to play no insignificant role in what is termed industrial unrest.

The primary determinants of social stratification are without doubt largely economic in character. Economic conditions determine an individual's occupation, and this in turn is generally a fair index of his mode of life and educational attainments, from which again may usually be inferred the sort of people whom he would meet on equal terms, the range of individuals from among whom he would normally choose his partner in marriage and so forth. In most European countries there are important differences in modes of speech and pronunciation which indicate class differences (see Meillet, Antoine, *Les langues dans l'Europe nouvelle*, Paris 1918, p. 126), and there can be no doubt that an equalization of educational opportunities and an increase in the facilities for contact and intercommunication between the classes, tending to diminish differences in modes of speech (and dress), would be likely to lessen the feeling of class differences generally.

The intensity of class consciousness depends upon a variety of conditions. The first of these is the growth of a tradition embodying common experiences and leading perhaps to common aspirations. It is clear that a conscious esprit de corps developed earlier among the upper or ruling classes, whose solidarity of interest was more obvious and who inherited something of the spirit of the rigid and determinate estates.

Stability and degree of social mobility represent another factor in the intensity of class consciousness. Social status generally implies a certain permanence and relative immobility, sometimes guaranteed by hereditary privileges, as in the case of castes and estates, or, when legal privileges disappear, by economic and other social sanctions of sufficient strength to render mass movement from class to class difficult if not impossible. The amount of social mobility influences the intensity of class consciousness in various ways. On the one hand, if movement up and down is easy and rapid differences in mode of life must tend to disappear or to lose in importance. On the other hand, if movement is possible but not easy the effect is to heighten a consciousness of the differences, since there will often be a strong desire to rise coupled with a fear of decline in the social hierarchy.

Conflict and rivalry are also important factors in the promotion of group consciousness. Thus national self-consciousness is heightened through wars, whether defensive or aggressive. In the case of classes the possession of common interests by members of a group is often first brought into consciousness by the need of defense against a common enemy, imaginary or real, and especially by being pitted against another group already conscious of itself. The importance of the idea of the "class struggle" in the history of socialism is well recognized and need not here be further dwelt upon.

To the extent to which social groupings rest upon and express true social functions class consciousness clearly has ethical value. Respect for one's calling, esprit de corps, the feeling of solidarity with members of one's class are necessary elements contributory to the fulfilment of the common good. In the case of the oppressed classes, moreover, a dawning consciousness of class is an important factor in the growth of self-respect and may be even indispensable in the struggle for freedom. On the other hand, class self-respect may deteriorate into class egoism. This, of course, is not a danger peculiar to classes, but is characteristic of all social groupings. For example, the sentiment of nationality, although valuable frequently because it gives self-respect to oppressed peoples and thus acts as an important agent in the growth of freedom and self-determination, may deteriorate into chauvinism and the oppression of minorities. In what is termed the class state, government has frequently been in the interest of a dominant class, leaving the rest of the population in a state of subjection. This is true even of the class dictatorships of some modern forms of socialism, although it is claimed that the class element in their conception is provisional and transitory and that the ultimate aim is to abolish all class distinctions and to govern in the interests of all. Whether the elimination of class partisanship is really possible remains to be seen.

MORRIS GINSBERG

See: CLASS; CLASS STRUGGLE; STATUS; GROUP; SOCIAL DISCRIMINATION; CONFLICT, SOCIAL; MOBILITY, SOCIAL; COLLECTIVE BEHAVIOR; SOCIAL PROCESS; SOCIETY.

Consult: Ruggiero, Guido de, *Storia del liberalismo europeo* (Bari 1925), tr. by R. G. Collingwood (London 1927) p. 381–87; MacIver, R. M., *The Modern State* (Oxford 1926) p. 400–06; Lukács, Georg, *Geschichte und Klassenbewusstsein* (Berlin 1923) p. 57–228; Watts, Frank, *An Introduction to the Psychological Problems of Industry* (London 1921) ch. vi; Michels, Roberto, *Zur Soziologie des Parteiwesens in der modernen Demokratie* (Leipsic 1911), tr. by Eden and Cedar Paul (New York 1915) p. 12–18, 235–96; Lippmann, Walter, *Public Opinion* (New York 1922) chs. xi–xii.

CLASS LEGISLATION. *See* EQUAL PROTECTION OF THE LAWS.

CLASS STRUGGLE is a phrase used to designate a form of social conflict, the theory of its origin and significance and the principle of action based upon such theory.

The idea of the importance of economic group conflicts was not unknown to ancient writers. The differentiation of Greek society in the sixth and fifth centuries B.C., the conflict between the commercial classes and the landed aristocracy in Athens, Corinth and other Greek cities and the struggle of the demos for economic and political supremacy brought to the surface the idea of the divergence of group interests within the polity and of its effects upon political life. Plato and others pointed to "questions of interest" as the cause of the internal disorders of the Greek cities. It would be pressing the point, however, to assert that the concept of class struggle in the modern sense can be traced to Greek or Roman writers. Nor can it be said to be clearly discernible in mediaeval thought.

The roots of the idea lie in the French Revolution. Starting with a conflict between the third estate and the monarchy the French Revolution carried within itself the idea of estate or class. In its conscious aspects, however, the revolution was dominated by the idea of nationalism. It reconciled these contradictory ideas by making the third estate coextensive with the nation, by creating the abstract notions of man and of the rights of man and by postulating the individual as the unit of the nation.

Paradoxically the reaction against the rationalism of the Enlightenment carried forward the nationalist implications of the revolution for which the Enlightenment had provided the ammunition. The writers of the historical school of jurisprudence, the romantic poets, the political exponents of conservatism and such philosophers as Fichte and Hegel developed the theory of the creative powers of the "national spirit" and helped to give the concept of nation the prominence which it was to have all through the nineteenth century.

Beginning with the third decade of the century the other aspect of the French Revolution, group conflict, came to the fore. The struggle of the liberal elements against the Holy Alliance, the campaign for the English Reform Bill of 1832, the democratic upheaval of the thirties in the United States which carried Andrew Jackson into the White House, were clearly new steps in the forward march of the third estate. Historians and political theorists were stimulated by these events to rewrite history, and in the works of Mignet, Augustin Thierry, Adolphe Thiers, de Tocqueville, Macaulay and others may be found the first modern emphasis on group struggle as a historic factor.

Between 1830 and 1840 a new element entered into the situation. The industrial workers came forward as the fourth estate, the new class of proletarians, and forthwith began to press their claims. In the contemporary literature of the labor movements of England, France and the United States the idea of class struggle made its appearance, and in the writings of the Saint-Simonists and of Louis Blanc it became more definite and precise.

These writers, however, are mainly forerunners. Credit for the theory of class struggle belongs to Karl Marx and Friedrich Engels, especially to the former. These two authors after some preliminary groping in earlier writings formulated the doctrine in the Communist Manifesto in 1847 in a manner which has made it one of the striking and influential ideas of modern times. Marx further elaborated the theory in his *Zur Kritik der politischen Oekonomie* in 1859 and in *Das Kapital* (vol. i, 1867). He applied it brilliantly to the interpretation of the revolutions of 1848, of the coup d'état of Napoleon III and of the Paris Commune.

In broad outline Marx's theory asserts that in the course of making a living and of utilizing their technical and industrial equipment the members of society become segregated into classes which carry on different functions in industry and therefore occupy different positions in the social organization. Between these classes there arises an antagonism of interests and a struggle. Regardless of changes which have taken place in the industrial organization of society the division into classes and the struggle between these classes has persisted; hence the history of mankind has been a continuous struggle of classes. The modern capitalistic regime does not abolish the class struggle; it merely creates new classes and simplifies and intensifies the struggle between them. For with the development of capitalism society splits up more and more into two great hostile camps, the bourgeoisie and the proletariat. The bourgeoisie concentrates on converting surplus value into profits and the proletariat tries to resist this. In the ensuing struggle the workers realize that the power of the bourgeoisie rests on the ownership of the means of production and that economic exploitation can be ended only through the establishment of a socialist society based on collective ownership.

Marx predicated the inevitable victory of the proletariat on the assumption of certain inherent tendencies in capitalism: the rapid concentration of industry, the disappearance of the middle class and the numerical growth and increasing misery of the working class. The modern class struggle was thus differentiated from previous class struggles in which one class succeeded another and used its victory merely to establish a new class rule. Under modern capitalism, inasmuch as the working class was absorbing all social groups with the exception of a small capitalist class, it could not emancipate itself without at the same time emancipating all society from every form of exploitation, oppression, class distinction and class struggle. Marx evidently intended to make a more detailed and exact analysis of the process of class formation and of class struggle. In the last chapter of the third volume of *Das Kapital*, "Classes," he raises but does not answer the question as to what constitutes a class.

Since class struggle was the dynamic factor which was carrying the historic process toward its final expression—the emancipation of the proletariat—it was necessary that the workers should do everything in their power to accelerate the process. In other words class struggle was not merely a theory but a principle of action and it became accepted as such by the socialist movement of the eighties and nineties.

With the beginning of the twentieth century the Marxian theory of class struggle became the subject of attack. Antisocialists tried to offset it by emphasizing the natural harmonies of society. Sociologists like Gumplowicz, Novikov and Durkheim stressed its limitations in view of the more dominating struggle between racial and national groups. More important still was the criticism which developed within the socialist movement itself, by the revisionists in Germany, by the Fabians in England and by the syndicalists in France. According to the revisionist Eduard Bernstein the trends which Marx had predicted were not currently dominant; as a result of political democracy and of the extension of economic opportunity the class struggle was becoming less and not more acute, and therefore the assumption of catastrophic change could not correspond to reality. Bernstein concluded that socialist tactics had to be revised in order to allow for cooperation between various economic and social groups and for a gradual reconstruction of social institutions to which sympathetic middle class groups might contribute. The Fabians, who visualized social change as a result of democratic and educational progress, could have still less faith in class struggle as a method or principle.

While revisionists and Fabians tended to limit the Marxian theory of class struggle the syndicalists found the theory not radical enough. Claiming that the class struggle was the only creative force in history and that Marxian political methods tended to weaken it the syndicalists elaborated the doctrine of direct action as a means toward reviving the idea of class struggle. To meet this double challenge orthodox socialists rallied around Karl Kautsky, who restated Marx's theories.

In recent years the theory of class struggle has become subject to new strains and tests. The World War revealed the potency of nationalist feelings and ideals. For four years class struggles throughout the world were either completely eliminated or overshadowed by the struggle between national groups. On the other hand the Bolshevik revolution in Russia, while reviving class conflicts, did so in a manner which was far removed from the clear cut Marxian formulae of pre-war days. These developments caused much confusion in the socialist movement which has not as yet been dispelled and which has reflected upon all socialist doctrines, including that of class struggle.

Present day exponents of class struggle may be divided into three major groups. One includes the reformist socialists represented by most of the socialist parties of the larger European countries and of the United States. In the literature of this group, although there is a ready recognition of the validity of the class struggle as a factor in historic development, the tendency is to stress more and more the democratic character of the modern state and the possibility of a gradual reorganization of social institutions. This group has therefore no particular interest in developing the theory of class struggle.

A second group is made up of the more radical socialists, best represented by the Austrians. The original Marxian emphasis on class struggle is retained but the most significant contribution of these writers consists in the attempt to elucidate the cultural and moral implications of the theory—the tendency of class struggles to lose the aspect of physical force and to depend more and more on intellectual and moral capacity.

Sharply contrasted with these two groups is the third, which consists of the communists, who have contributed most to the development of the theory of class struggle. The communists have been faced by two challenging facts. On the one hand, there was the post-war revival of nationalism. On the other hand, the communists found that in their own efforts to establish a new regime in Russia they were forced despite an avowed class dictatorship to take account of the interests of the peasantry and of other groups and to try to work out conciliatory policies which were in essence nationalistic. Lenin was concerned especially with the problem of the relationship between industrial movements in capitalist countries and nationalist movements in colonial countries. His work was continued by other communist writers, especially by Nikolai Bukharin, who has been until recently the recognized theorist of communism.

The communists distinguish between social caste or estate, based upon legal characteristics, and social class, which is an economic category and includes persons who have the same function and who stand in the same relation toward other persons involved in the process of production. As the forms of production affect the forms of distribution, a social class is also characterized by its source of income. In other words, a social class is an aggregate of persons who have the same function in the productive process and who therefore have the same source of income.

The origin of classes is explained by the law of the division of labor. In every society there are two basic classes: one which commands and monopolizes the instruments of production, and the other a producing class. The specific forms of this relationship change from one society to another but in its essence it remains the same. In addition to the basic classes there are found in every society intermediate classes occupying a middle position between the commanding and the executing classes: transition classes resulting from the disintegration of previous group forms; mixed classes including persons who in some respects belong to one class and in other respects are more akin to another class; and déclassé groups consisting of beggars, vagrants and the like. The particular forms of these secondary classes also vary from one society to another, their variation giving color and form to the whole social structure.

In any class society the process of production is simultaneously a process of economic exploitation. Those who carry on the physical work receive less than they produce, not only because a portion is necessary for the extension of production but also because they have to support out of their work the owners of the means of production. The resultant antagonism finds its expression in a struggle for the distribution of the total national product. As this struggle becomes conscious it gives rise to class interests and class conflict. The dominant minority tries to maintain and extend the opportunities for exploitation while the exploited majority continually strives to liberate itself. Gradually class interests develop into a system which embraces all life. They become intertwined with political, religious and even scientific interests. As these varied expressions of the class struggle become integrated they give rise to class ideals and to differences in class psychology.

The objective existence of class interests does not mean that these interests are always understood by the class itself. In fact, for a number of reasons, a class may be devoid of class consciousness; the inherent contradictions between classes may not become clear at once because economic processes go through several stages of development. There may be a temporary divergence between the general interests of a class and its temporary interests, and the latter may for a while dominate the situation. Moreover, the ruling classes usually try to influence the ideas and the psychology of the masses in order to destroy their consciousness of class interests. Class struggle, too, passes through various stages. There are periods when the antagonism of class interests is obscure and class conflicts are either totally concealed or of a minor character. Sooner or later, however, when the productive forces of society reach a point where their further development is obstructed by existing social institutions, the class struggle becomes acute and it is then that it becomes the main driving force of social reorganization.

Since the power of the ruling class is always concentrated in the organization of the state the oppressed class must aim directly against the mechanism of the state. Every class struggle is thus a political struggle which in its objectives aims at the abolition of the existing social order and at the establishment of a new social system. In order to prove capable of carrying through a social reorganization, however, the class must possess certain essential characteristics: it must be economically exploited and politically oppressed; it must be a producing class; it must be welded together by the conditions of its existence; and it must form a large mass or majority of the population.

All these characteristics, the theory maintains, are found in the industrial working population of the present day. It is for this reason that the industrial proletariat represents the only class which can carry out a complete social revolution and reorganize society on the basis of the socialist ideal. The peasantry and the farmers lack most of these traits. But since the peasantry forms a large portion of the population in many countries it is essential that the industrial workers should ally themselves with the poorer elements of the peasantry.

Within each social class there are always a number of groups or subgroups which differ in position and ability. In order to unify the activities of a class it is necessary that one of these groups assume leadership. Such leadership can best be exercised by the organization of a political party which should represent the ideas and program of that section of the class which is most advanced, best schooled and most united.

Under contemporary conditions—the theory continues—the class struggle is assuming more and more the character of an alliance of the poor peasant masses and of the industrial workers against a financial oligarchy. Because of the growing internationalism of finance and industry the class struggle is also becoming more and more international in character, and will lead to a revolution on a world scale. This revolution will be violent, and its first step will be the establishment of class dictatorships throughout the world for the purpose of starting the work of socialist reconstruction. To promote this process the communists call for an accentuation of the class war and condemn all deviations toward "class collaboration."

The very development and modifications which the theory of class struggle has undergone indicate the difficulties which it encounters. It is not easy to define a social class or to draw sharp lines of demarcation between various classes. No definitive division of society into classes can be made on the basis of the so-called factors of production, on the basis of the law of the division of labor or on the basis of source of income. The most that can be said is that there is a tendency toward the formation of economic and social groups and that their stratification and stability vary from one society to another in accordance with general economic and social conditions.

By implication the struggle of classes is also merely a tendency. In modern society the struggle of economic and social groups is fragmentary and intermittent, concentrated around major issues of immediate and perhaps of only temporary importance. Moreover, since the formation of a consciousness of general interests is slow and intermittent, it is inevitable that economic groups which are closely related should sometimes struggle against one another as well as against opposing groups. Thus there are conflicts between various groups of employers and capitalists as well as divisions of opinion between various sections of the working class. It is also inevitable that economic interests should be overshadowed from time to time by cultural, religious and racial factors. Nationalism, as both an economic and a cultural phenomenon, tends to offset the formation of classes. Economically each nation is likely to regard itself as a unit with common destiny and common interests as against the other nations of the world. Culturally it tries to consolidate its economic coherence by means of national ideas and ideals which permeate all groups of the community. All these limitations of the class struggle exist in present day national and international affairs.

To the extent to which it manifests itself the struggle of economic groups is a potent factor of social change. Manifestations of group conflict, such as strikes, reveal stagnant or decadent conditions and serve as a stimulus to their elimination or amelioration. Nevertheless, whenever such conflicts in the industrial field are concerned merely with group shares in distribution, regardless of their effects upon the productive process or upon society as a whole, they may result in social detriment. In large social transformations the struggle of classes may lead to a harmful process of disintegration; this is true especially when the struggle is carried on between groups and classes which are in an early stage of economic and intellectual development. Such class struggles have often resulted in social crises which were followed by the development of a new national solidarity.

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See: SOCIALISM; COMMUNIST PARTIES; CONFLICT, SOCIAL; REVOLUTION; CLASS; CLASS CONSCIOUSNESS.

Consult: Pöhlmann, R. von, *Geschichte der sozialen Frage und des Sozialismus in der antiken Welt*, 2 vols. (3rd ed. Munich 1925); Marx, Karl, *Das Kapital*, 3 vols. (Hamburg 1890–94), tr. by Samuel Moore and E. B. Aveling (Chicago 1906–09), especially vol. iii, ch. lii; Bernstein, Eduard, *Die Voraussetzungen des Sozialismus und die Aufgaben der Sozialdemokratie* (Stuttgart 1899), tr. by E. C. Harvey as *Evolutionary Socialism* (London 1909); Adler, Max, *Die Staatsauffassung des Marxismus*, Marx-studien, vol. iv, pt. ii (Vienna 1922); Cunow, H., *Die Marxsche Geschichts-, Gesellschafts- und Staatstheorie*, 2 vols. (Berlin 1920–21) vol. i, ch. i, vol. ii, ch. ii; Kautsky, Karl, *Das Erfurter Programm in seinem grundsätzlichen Theil* (11th ed. Stuttgart 1912), tr. and abridged from 8th German ed. by W. E. Bohn as *The Class Struggle* (Chicago 1910), and *Die Klassengegensätze im Zeitalter der französischen Revolution* (2nd ed. Stuttgart 1920); Lenin, Nikolai, *The State and Revolution* (Detroit 1924); Bukharin, N. I., *Teoriya istoricheskogo materialisma* (Moscow 1923), tr. from 3rd Russian ed. as *Historical Materialism* (New York 1925); Lorwin, Lewis L., *Labor and Internationalism* (New York 1929); Man, Henri de, *Zur Psychologie des Sozialismus* (new ed. Jena 1927), tr. by Eden and Cedar Paul (London 1928); Sombart, Werner, *Der proletarische Sozialismus*, 2 vols. (10th ed. Jena 1924); Michels, Roberto, *Zur Soziologie des Parteiwesens in der modernen Demokratie* (Leipsic 1911), tr. by Eden and Cedar Paul as *Political Parties* (New York 1915) pt. iv, ch. i; "Theorie des Klassenkampfs, Handelspolitik, Währungsfrage" in Vereins für Sozialpolitik, *Schriften*, vol. clxx (1925) 9–86; Heimann, E., *Die sittliche Idee des Klassenkampfes und die Entartung des Kapitalismus* (Berlin 1926); Delevsky, J., *Antagonismes sociaux et antagonismes prolétariens* (Paris 1924), especially ch. iv; Beer, M., *A History of British Socialism*, 2 vols. (London 1921) vol. ii.

CLASSICISM primarily denotes certain qualities especially revealed in the art of Greece and Rome. Its essential elements are restraint, simplicity, dignity, serenity and repose. It is further characterized by perfection of form, based upon a unity in which the detail is subordinated to the whole, and clarity of conception, which springs from an imaginative rationality. The Greek adage "nothing too much" expresses the spirit of classical art as well as classical philosophy. The purpose of Greek art, especially, was to invest the universal with beauty. In this respect it differs from realism, which is more interested in the actual and particular and which seeks factual veracity rather than ideal beauty. This difference becomes apparent in a comparison of Hellenic portrait sculpture, which tends to reveal abstract conceptions of character, with Roman statues, which resemble much more closely the person represented. Classicism is objective rather than subjective since its universal conceptions were derived, rationally as well as imaginatively, from the world of impressions. Its abstract nature, however, gives it an element of repose and aloofness from the jarring and conflicting elements of life.

Classicism found its most perfect expression in Athens of the fifth century B.C. A number of factors rendered this period most favorable for artistic development. The victories over the Persians in the first part of the century had removed fear of invasion and had greatly stimulated the nationalistic spirit. There was an unprecedented outward expansion of Athenian power and the city came to enjoy its greatest commercial prosperity. The most important influence, however, in fostering artistic development was Pericles. Not only did he strive to achieve the highest ideal of democracy by giving all Athenians an active share in the government; he also proposed to make Athens the center of the highest art and literature by developing the Athenians' artistic taste. Toward this end he engaged Phidias and other artists to adorn the Acropolis with buildings and statues, the most striking being the Parthenon. That temple, together with the sculptures which ornament it, represents the high water mark of Greek architecture and sculpture. Pericles also fostered dramatic contests in the theater of Dionysus, at which the greatest writers of Greek tragedy, Aeschylus, Sophocles and Euripides, contended. Herodotus and Thucydides carried history to its high development in ancient times, while in philosophy, although the next century was the golden age of philosophical thought, Socrates made possible the later dialogues of Plato. Because of the democratic nature of the Athenian government at this time oratory became a necessary part of a citizen's training and it came to be reckoned one of the fine arts, reaching its highest development with Demosthenes in the following century.

After the Hellenistic or Alexandrian period the classical qualities of art appeared in Rome. Roman art, however, was for the most part imitative, derivative and at times artificial. With the possible exception of satire the Romans created no new literary forms and many of their metrical forms were derived from Greece. Their language, though more scientific than Greek, was not as pliant nor as adaptable to artistic conceptions. In architecture the Romans added only the arch to what they derived from Greece, while, with the exception of portrait sculpture, their statues were largely copies. They were more steadfast, determined and practical than the Greeks but lacked the latter's flexibility, versatility, manysidedness and imaginative power; nor were they as susceptible to beauty. We find in their art, nevertheless, the same qualities of restraint, freedom from extravagance and a sense of form and unity.

Classicism in art all but disappeared during the Middle Ages, but it was one of the most vitalizing influences in the Renaissance. With the revival of learning the asceticism of earlier centuries gave way before the rich humanism with which the classics are instinct. Sympathy with all aspects of human nature and a lively interest in every activity of man, apparent in classical art, together with the inquiring spirit of Greek philosophy and science, stimulated and humanized the period. The architecture, sculpture and painting of the Renaissance showed classical qualities, but in literature the feeling for form achieved especially valuable results. The plays of the classical dramatists, those of Seneca in particular, were studied and imitated with the result that the formless traditional drama developed a compactness of structure evident in the best Elizabethan plays. Under the influence of the classics the invertebrate mediaeval romance assumed form and outline, partially in Spenser and more fully in Tasso, while in *Paradise Lost* Milton followed closely the classical epic. Ancient literary criticism, discussed and elaborated in numerous critical treatises during the Renaissance, inspired inquiry into the nature of literature and laid the basis for the development of a critical tradition in Europe. The classics furnished the Renaissance artistic principles and models, a sense of form and unity and an appreciation of, and desire for, artistic excellence.

In the second half of the seventeenth century, however, the classical spirit became overdeveloped, both in too close an imitation of ancient art and in too rigid an interpretation and application of classical principles. A rationalism arose, owing partly to the new scientific movement and partly to overemphasis upon the element of rationality in Greek philosophy, which prompted men to distrust the imagination and suppress the emotions. Under its influence classical art and criticism became the reason and excuse for the most logically developed and rigorously applied set of literary principles the world has ever seen. The broad basic principles of classical art were narrowed into a set of superficial and hidebound rules. Form, order and reason were emphasized to the exclusion of beauty, feeling and imaginative truth. Because of the extreme limits to which this formalism was carried, classicism has incurred a prejudice from which it has not entirely freed itself. In no literary form is this narrow type of classicism more apparent than in the drama, particularly the tragedies of Corneille and Racine. The principles, especially the dramatic unities, laid down by Aristotle in the *Poetics* and elaborated upon by the Italian critics of the Renaissance, were so rigidly applied to dramatic composition that plot was impoverished, characters generalized and, on the whole, plays were removed from the business of life. In the poetry of Voltaire, Dryden and Pope the classical spirit is manifested in the effort to achieve a correct style free from all extravagance and characterized by taste, restraint and good sense. Correctness, however, was sought in expressing proper shades of meaning rather than of feeling. In marked contrast to the literature of Greece, the work of the second half of the seventeenth and first half of the eighteenth century failed to reveal man's deeper emotional life.

In the second half of the eighteenth century a reaction set in against this neoclassical tyranny. The antithesis of classical art had been represented since the Middle Ages by Gothicism inasmuch as it was characterized by grotesque and extravagant designs, the unity of which was lost in a multitude of fanciful details. But as neoclassicism ran its course toward sterility the antithesis implicit in Gothicism found a more profound expression in the rise of romantic art, the main tenets of which were a claim for the truth of emotion and a belief in freedom of the imagination. In classicism the imagination is subjected to rational control; in romanticism it is liberated from all the restraint of reason and is obedient only to the particular moods of the artist. To the classicist truth is reason emotionally and imaginatively conceived; to the romanticist it is emotion imaginatively expressed. Thus there is a rational and ethical center to most Greek art, whereas in romantic art the tendency is away from any central control to an unbounded expansion. Romanticism is subjective. The classical artist subordinates his own personality to the demands and principles of his art; the romanticist follows his own inclinations and inspirations, looking within rather than without for the laws of his work. One expresses the universal, the other the unique or particular. Romanticism does not seek perfection of form; it expresses and inspires restlessness and agitation rather than repose; it aspires to the infinite instead of being confined within limits.

The rising spirit of romanticism manifested itself in more ways than in art. It can be found also in the religious, philosophical, educational and political ideas of the time. The love of liberty and the accentuated individualism which constitute a very important part of romanticism appear in the great democratic movement which found its most tangible expression in the American and French revolutions. The classical spirit, with its regard for law, order and conformity, conspicuous in Edmund Burke and Samuel Johnson, strove in vain against the rising tide. Johnson especially, in whom was embodied that which was best in neoclassicism, carried on by his conversation as well as by his writings unceasing warfare against what he considered the pernicious principles of a philosophy which advocated unrestrained freedom in society as well as in literature.

In the present century romantic subjectivity has been developed to the farthest limit in a type of art, especially painting, called expressionism. The expressionistic theory, which interprets the function of art as the portrayal not of what the eye sees but of what the mind creates, stands out in sharp contrast to the objectivity of the classical point of view, which manifests faith in nature and impressions produced by it. Expressionism seeks to reproduce an inner vision, not an external image. The essence of classical art is imitation, interpreted in a broad way; the essence of expressionistic art is creation through power of the will and more or less independent of sensuous impressions. The greater intelligibility of classical art springs from the fact that the external world is known to all and conceptions expressed in terms of it possess the conventions of communication and are thus recognizable, whereas the inner vision is peculiar to the artist experiencing it and so affords little common ground for understanding.

Classicism would seem to thrive best in a conservative age. There is a certain affinity between the restraint, rationality and form of classical art and the spirit of law and conformity in the social world. Furthermore, since the standards of classicism are objective and depend not upon the individual but upon artistic principles which must be mastered through study rather than grasped intuitively, conditions should be favorable for the development of a nucleus of educated opinion and taste. A rich culture is essential to the production of classical art, which is a matter of the mind as well as of emotion and imagination. Thus a body of educated men paying allegiance to a common set of literary ideals is necessary. Classical art is not a popular art; it moves upon a plane distinctly above the matter of fact and utilitarian world. Embodying principles that have been established upon the highest achievements of man it pursues its ideal of truth and beauty without compromise with the transient and the ephemeral.

Although classicism may be carried too far and so tend to become narrow and formalized, at its best it is health and sanity. It always furnishes a salutary corrective to extravagant imagination and rampant individualism and by the permanency of its principles sustains the thread of continuity through ancient and modern art. Although architecture, sculpture and literature from the time of the Renaissance to the present have been directly influenced by the art of Greece and Rome, the classical spirit has frequently entered other artistic forms, such as painting and music, which have experienced no direct contact with antiquity. Whatever art reveals a fine rationality and mastery of form, an adherence to principles set above individualistic caprice, is justly called classical whether it can discover its like in the ancient world or not.

Richard F. Jones

See: Art; Culture; Tradition; Taste; Idealism; Humanism; Rationalism; Realism; Romanticism; Literature; Music; Drama; Dance; Architecture; Renaissance.

Consult: Grierson, H. J. C., *Classical and Romantic* (Cambridge, Eng. 1923); Babbitt, Irving, *Rousseau and Romanticism* (Boston 1919) ch. i; Winckelmann, J. J., *Geschichte der Kunst des Alterthums* (rev. ed. Berlin 1870), tr. by G. H. Lodge, 4 vols. (Boston 1849–73); *Art and Civilization*, ed. by F. S. Marvin and A. F. Clutton-Brock (London 1928) chs. iv–v; Thomson, J. A. K., *The Greek Tradition* (London 1915); *The Legacy of Greece*, ed. by R. W. Livingstone (Oxford 1921); Powers, H. H., *The Message of Greek Art* (New York 1913); Livingstone, R. W., *The Greek Genius and its Meaning to Us* (2nd ed. Oxford 1915); Walters, H. B., *The Art of the Romans* (London 1911); Strachey, G. Lytton, *Landmarks in French Literature* (New York 1912) chs. iii–v; Vines, Sherard, *The Course of English Classicism* (New York 1930).

CLASSIFIED PROPERTY TAX. *See* Property Taxes.

CLAUSEWITZ, CARL VON (1780–1831), Prussian general. In 1815 he was chief of staff of an army corps and in 1831 chief of staff of an observation army concentrated on the Polish border. In the intervening period (1818–30) he served as managing director of the Military Academy at Berlin. During these years he wrote his famous treatise on war, published posthumously in incomplete form.

Together with Jomini, Clausewitz worked out the theoretical principle of the new strategy employed by Napoleon. According to this principle the proper aim of military operation should be the destruction of the enemy's combatant forces rather than wearing him down through manoeuvering and siege. Clausewitz' doctrine of the necessity of concentrating the offensive exclusively on the field forces dominated the entire nineteenth century, influencing the strategic thinking of the Prussian general staff even after the American Civil War and the Franco-Prussian War had shown that victory in the field was no longer sufficient to place the victor in a position to dictate peace.

Other phases of Clausewitz' strategy, in which he differed from later German theorists, are not so well known. He emphasized the interdependence of warfare and politics, assigning the primacy to the latter and by implication subordinating the general to the statesman. He advanced the idea of the superiority of the inner line of operation over the outer, with its corollary that the object of an offensive should be to break through the enemy's center rather than to envelop his flanks. He insisted on the superior strength of the defensive position as such and drew up formulae for determining the offensive superiority required for crushing a given defensive strength.

Eckart Kehr

Important works: *Vom Kriege*, 3 vols. (Berlin 1832–34; 10th to 13th ed. Berlin 1915–18), tr. by J. J. Graham from 3rd ed. (London 1873, new ed. 1908), vol. i tr. by T. D. Pilcher as *War According to Clausewitz* (London 1918); *Politische Schriften und Briefe*, ed. by Hans Rothfels (Munich 1922).

Consult: Schwarz, K., *Leben des Generals Carl von Clausewitz*, 2 vols. (Berlin 1878); Caemmerer, Rudolf von, *Clausewitz* (2nd ed. Leipsic 1905), and *Die Entwickelung der strategischen Wissenschaft im 19. Jahrhundert* (Berlin 1904); Rothfels, Hans, *Carl von Clausewitz, Politik und Krieg* (Berlin 1920).

CLAY, HENRY (1777–1852), American statesman. Clay, Webster and Calhoun constituted the "great triumvirate" which for a generation before 1850 exercised a dominating influence upon federal legislation and American political thought without being itself agreed upon many matters of public policy. Clay represented Kentucky in the Senate or House of Representatives almost continuously from 1806 until 1825, from 1831 until his resignation in 1842 and again from 1849 until his death. He was three times speaker of the House. As a recognized champion of the economic interests and nationalistic feeling of the new West and as leader of the "war hawks" he urged war with England in 1812. As one of the commissioners to negotiate the Treaty of Ghent (1814) he opposed opening the Mississippi to England in exchange for the Newfoundland fisheries. His support of Adams in the presidential contest of 1824 led to the charge that his subsequent appointment as secretary of state was the result of a "corrupt bargain" with the Adams supporters. His principal interest as secretary of state was in the new states of Latin America, but the general outcome of his diplomatic efforts was disappointing. As early as 1820 he began the elaboration of an "American system" whose chief elements were tariff protection for young industries and federal aid for internal improvements. South Carolina's attempted nullification of the tariff acts of 1828 and 1832 forced him to modify his protectionist views; the compromise tariff of 1833 was largely his work. His support of the bill to recharter the Bank of the United States led to his defeat as a Whig candidate for the presidency in 1832. The proposal to distribute the surplus revenue among the states had his support, but he opposed the establishment of an independent treasury system in 1838 and broke sharply with President Tyler over the bank question. His attitude toward slavery contributed greatly to his popular title of "the great compromiser": although he had favored the gradual emancipation of slaves in Kentucky he opposed the restriction in Missouri and was influential in framing the compromises of 1820 and 1821 under which that state was admitted. Although he regarded abolition as "a delusion which cannot last" he opposed both Texan annexation and the Mexican War and was the principal author of the compromise legislation of 1850.

WILLIAM MACDONALD

Works: Federal edition, 10 vols. (New York 1904).

Consult: Colton, C., *Life and Times*, 2 vols. (New York 1846); Schurz, C., *Life*, American Statesmen series, 2 vols. (New York 1909); Johnson, W. F., *America's Foreign Relations*, 2 vols. (New York 1916); Burton, Theodore E., "Henry Clay" in *American Secretaries of State*, ed by. S. F. Bemis, 10 vols. (New York 1927–29) vol. iv, containing bibliography.

CLEARING HOUSES are devices of organized society to effect economy and simplicity in exchange. The clearing principle is one of the notable manifestations of the effort of human beings to simplify procedure in the different kinds of exchange which characterize highly developed societies. It may function through organizations of the most varied form, ranging from the informal and temporary to the highly organized and permanent. It may cover the interchange of information, such as credit and employment, or the settlement of financial claims between two or more parties. In the latter case the various claims, such as those arising from the interchange of freight cars and the sale of securities, are offset against each other so as to leave only net differences to be paid. Since so large a proportion of human activity is related to such common media as money and credit, the latter particularly in commercially advanced countries, the clearing device is most spectacular and effective when used to simplify the exchange of such instruments. The outstanding examples of clearing, therefore, from the standpoint of importance, permanence and efficiency, are the modern clearing houses established by banks to facilitate the settlement of their claims against each other.

The clearing principle as applied to the monetary media of exchange is not of recent origin. It has been contended that it was used in Florence as early as 800 A.D. and in Tokyo as early as 2600 B.C. At any rate it is certain that the principle had attained a high degree of perfection at the fairs of Lyons by 1463, and knowledge of the methods used at Lyons was widespread in Europe by the eighteenth century. The first modern clearing house was probably that in London, which took definite form in 1773, although some authorities say the Edinburgh clearing house dates from 1760. Dublin followed in 1846; New York City, 1853; Paris, 1872; Vienna, 1872, although some local banks cleared as early as 1864; Berlin, 1883; St. Petersburg, 1898. In the United States there were but six clearing houses in existence at the outbreak of the Civil War, organized in the following years: New York City, 1853; Boston, 1855; Philadelphia, Baltimore and Cleveland, 1858; and Worcester, Massachusetts, 1861.

The modern clearing house is defined in law as a voluntary association of banks to simplify and facilitate the exchange of such items as checks, drafts, bills and notes, and to serve as a medium of united action upon all questions affecting their common welfare. Most of them are unincorporated, cooperative associations and derive their authority over their members through their written assent to their respective constitutions. In addition to the principal function of clearing most modern clearing houses exercise certain special and secondary functions such as extending loans to the government, rendering assistance to members, fixing rates of interest on deposits, fixing rates of exchange and of charges on collections, fixing reserve requirements, examining member banks, gathering credit data for members, publishing statements relative to clearings and condition of member banks, participating in periodical conferences and issuing clearing house loan certificates in times of financial stress. Some of these functions have been taken from the clearing house with the establishment of the Federal Reserve system.

In general the modern clearing house clears so-called cash items. The New York Clearing House, for example, clears checks, clean drafts and bills of exchange, all certified items, matured notes and acceptances and (since September, 1926) bond coupons. The clearing procedure is simple and consumes but a few moments. Representatives of the member banks are sent to the clearing house with the items drawn on the other members and at the appointed time each representative presents his items to the other representatives and receives in turn from them the items drawn on his own bank. A balance is struck and the debit balances paid by debtor banks to the creditor banks through the medium of the clearing house. Ordinarily settlements are made by bookkeeping operations, no funds being used. For example, the members of the New York Clearing House carry accounts with the Federal Reserve Bank of New York and at the close of the clearing session the clearing house manager sends a settlement statement to the Federal Reserve Bank directing that the accounts of certain members be debited and others credited. Thus daily clearings which total more than a billion dollars are settled without the actual exchange of any money. Clearing houses differ somewhat in their mode of operation, sessions ranging from one to four per day and settlements being made through bookkeeping operations, as above, by drafts on some bank, by checks drawn on the clearing house, by clearing house certificates or by the use of money.

The system of clearing houses which prevails in a country is conditioned by the type of banking system and reserve structure which prevails. Where central banks exist such banks frequently perform clearing functions. In countries with branch banking, as in Canada or England, clearing houses are relatively few and in general are for the convenience of the parent institutions. Branch banks which carry their reserves with the parent bank send their items to the parent bank for collection, the latter acting as a clearing house for its member branches and as a collecting agent when the items are drawn on other banks. In a country like the United States with its many independent banks the system is less simple, and approximately 350 clearing house associations have developed to take care of the local clearings. With the coming of the Federal Reserve system the country was divided into twelve districts and a new clearing system was superimposed upon the old. Each of the federal reserve banks now acts as a district clearing house for those banks of its district which choose to use it. For purposes of interdistrict clearing a central agency, the Gold Settlement Fund, was established at Washington, D. C., under the supervision of the Federal Reserve Board. Most of the interdistrict transactions are settled daily through this central fund by means of telegraphic transfers made by the federal reserve banks. Thus the United States has provided the mechanism for a national clearing system, although all banks have not availed themselves of it because of the requirement that all participating banks must remit at par for all checks presented to them.

A complete national clearing system presents the ideal system and secures the maximum economy in the use of all media of exchange cleared. All direct exchanges and collections of credit instruments not preceded by clearing are wasteful and inefficient in procedure. An efficient national clearing system, like that devised for the United States, secures the maximum of economy and speed in collection and transfers with consequent increased safety for all banks; it brings about a wider use of checks or deposit currency; it effects an almost instantaneous transfer of credit from one part of the country to another; it reduces currency shipments to a minimum; it secures the utmost mobility in the use of reserves; and it makes for stability in the national credit structure.

The long established custom of settling intercountry transactions by sterling bills drawn on London has made that city in effect the clearing house of the world. Through this spontaneously developed agency the transfer of gold from country to country has been reduced to a very small proportion of the total international transactions. The creation of a more formal mechanism for minimizing transfers of gold and for making possible a more efficient use of credit upon a given specie basis was probably one of the purposes back of the creation of the Bank for International Settlements, one of whose functions is to establish an international gold clearing system (Young Report, Annex 1, pt. 5). This function has, however, been practically disregarded in the Statutes of the Bank, as adopted by the Organising Committee (Nov. 13, 1929), apparently on the theory that the normal channels of foreign exchange function sufficiently well.

WALTER E. SPAHR

See: CHECK; BILL OF EXCHANGE; BANKING, COMMERCIAL; BRANCH BANKING; CENTRAL BANKS; FEDERAL RESERVE SYSTEM.

Consult: Bailey, D. P., *The Clearing House System* (New York 1890); Cannon, J. G., *Clearing-Houses* (New York 1900); Colwell, Stephen, *The Ways and Means of Payment* (2nd ed. Philadelphia 1860) chs. xi–xii; Hallock, J. C., *Clearing Out-of-Town Checks in England and the United States* (St. Louis 1903); Holland, R. M., *The London Bankers Clearing House*, United States, 61st Cong., 2nd Sess., Senate Document no. 492 (1910); Howarth, William, *Our Banking Clearing System and Clearing Houses* (4th ed. London 1907); Jevons, W. S., *Money and the Mechanism of Exchange* (London 1875) chs. xx–xxi, xxiii; Spahr, Walter E., *The Clearing and Collection of Checks* (New York 1926); *Foreign Banking Systems*, ed. by H. P. Willis and B. H. Beckhart (New York 1929); Willis, H. P., *The Federal Reserve System* (New York 1923) chs. xxv, xxxv, xlvi; Willis, H. P., and Steiner, W. H., *Federal Reserve Banking Practice* (New York 1926) ch. xx; Schmidt, Fritz, *Der Zahlungsverkehr*, 2 vols. (Leipsic 1919–20) vol. i; Brochu, M., *Du développement du chèque et du paiement par compensation en France* (Paris 1927) ch. iv; Einzig, Paul, *The Bank for International Settlements* (London 1930) ch. x.

CLEMENCEAU, GEORGES

CLEMENCEAU, GEORGES (1841–1929), French statesman and journalist. Clemenceau was essentially a man of the nineteenth century. By birth he was a gentleman, coming of an old middle class family of the Vendée; yet all his life he retained the manner of the Paris gamin, of the facetious medical student of the sixties holding forth in the internes' clubroom. His political views bore the stamp of the same period: a republican by conviction, he made no distinction between the republic and the *patrie*; an intractable enemy of the Second Empire, he had, nevertheless, a secret weakness for autocratic governments. Above all he was partisan; politics, for him, was the conquest of power, an avid and joyous pursuit in a glorious and ruthless conflict. There was something of the Roman about his patriotism; he had a violent distaste for the mawkish homilies of the pacifists.

These characteristics are the key to his whole career. With the war of 1870 he abandoned medicine and teaching for politics and journalism. In the Chamber of Deputies, to which he was elected in 1876, he joined the group of young republicans who were establishing the new regime under the leadership of Gambetta and Ferry. After 1878, however, when the monarchists had been defeated and the republic was attaining cohesion and organization, Clemenceau turned radical and Jacobin, becoming the leader of a faction which split from the republican party. Both in the chamber and in the columns of *La justice* he challenged the opportunism of the moderate statesmen and restated their abandoned or compromised ideals: universal suffrage, suppression of the senate, complete separation of church and state, avoidance of colonial ventures. For fifteen years he used his eloquence, devastating as machine gun fire, to bring about the downfall of ministry after ministry. But his path was beset by too many enmities. In 1893 when he failed to secure reelection to the Chamber many believed that his political career was ended. He devoted himself exclusively to journalism until 1897, when he was caught up in the great tide of emotional conflict engendered by the Dreyfus affair. Joining Zola in an impassioned defense of the accused captain, dedicating his newly founded *L'aurore* to the task of securing reversal of the sentence, Clemenceau once more became vitally interested in the affairs of the republic. In 1902 the *département* of the Var elected him to the senate and in 1906 he became minister and premier for the first time in his already long career. The "vieux débutant," as he liked to call himself, took full advantage of the authority of his position and resolutely resisted the miners and other strikers, in whose actions he read a threat to the republic, even though by so doing he incurred the lasting enmity of the more progressive groups. In the Moroccan affair it was he who dared unequivocally to resist the German claims. During the years that followed his resignation from the premiership (1909) Clemenceau labored to keep the French nation alert to the possibility of foreign aggression. In his *L'homme libre* his fulminations against French military inefficiency echoed through the country; and when *L'homme libre* was suppressed *L'homme enchaîné* continued to clamor against the policy of the government. In 1917, when France was at the end of her resources and asked of her leaders only that they hold on, the old warrior, now seventy-six years old, answered the call, succeeding Painlevé as prime minister. He became the symbol of his country's pathetic and tenacious will to survive and in the popular imagination he joined the ranks of legendary heroes: Jeanne d'Arc, Danton, Gambetta. When the time came to make the peace, Clemenceau was named president of the Versailles Conference. But it was a Clemenceau of the nineteenth century and not of the twentieth who negotiated the treaty, a Clemenceau who could not forget the war of 1870, who in the face of the idealism which overhung a section of the conference fought stubbornly for security on the Rhineland, indemnification and the maintenance of the old system of alliances. On the morrow of the Versailles Treaty the old "tiger," morose and indifferent to popular acclaim, retired to his home in the Vendée; here he lived in solitude and self-sufficiency, devoting the ten remaining years of his life to study and writing.

André Siegfried

Consult: Adam, George, *The Tiger* (New York 1930).

CLEMENT OF ALEXANDRIA (Titus Flavius Clemens) (*c.* 150–*c.* 215), church father. Clement was born probably at Athens. He became converted to Christianity and after about 200 was head of the famous catechetical school of Alexandria. He elaborated in his *Paedagogus* the first Christian-philosophical ethics; in the religious philosophy of his principal work, *Stromata*, he united the late Greek γνῶσις (knowledge) with the Christian πίστις (faith); and in his homily, *Who Is the Rich Man That Shall Be Saved?* (tr. by G. W. Butterworth in his *Clement of Alexandria*, Loeb Classical Library, London 1919), he gave a conciliatory answer to the earnest question of primitive Christianity regarding the compatibility of riches and faith.

Clement's significance for intellectual history rests upon his acknowledgment of Greek philosophy, especially that of Plato, as preparing the way for Christianity—an acknowledgment which laid the foundation for Origen's crowning work; and upon his demonstration of the already much used conception of the Logos as the firm bridge connecting philosophy and religion. Most important, however, for the social teaching of the church, as later for scholasticism, has been the fact that in opposition to the communistic tendencies which were shown in many writings of the first half of the second century he opened the way for the victory of a moderate, quietistic spirit. Clement, to be sure, was far from interpreting property in the manner of contemporary Roman law as *jus utendi et abutendi*; he himself teaches that property belongs to God and that man has merely the right of enjoyment of it and even this only so far as is necessary. It is not right that some should live in luxury and others in want, and he insists that the greed for profit is the root of all evil. More important, however, and more fruitful of results was the fact that he no longer upheld as the norm for all Christians an asceticism hostile to society, but pointed out the conditions under which the rich man too might inherit the kingdom of heaven. Thus at the same time entrance into Christianity was made easier for the propertied classes of antiquity and the way opened to an alliance frequent thereafter between church and wealth.

Edgar Salin

Works: *Opera omnia*, ed. by O. Stählin, 3 vols. (Leipsic 1905–09); some of Clement's works have been translated by W. Wilson in *Ante-Nicene Christian Library*, 24 vols. (Edinburgh 1868–72) vol. iv, xii.

Consult: Tollinton, R. B., *Clement of Alexandria*, 2 vols. (London 1914); Stählin, Otto, *Die altchristliche griechische Literatur* (Munich 1924) p. 1310–17.

CLÉMENT, AMBROISE (1805–86), French economist. As secretary of the mayoralty of Saint-Étienne, Loire, from 1838 to 1848 and from 1850 to 1860 he applied himself to fiscal problems especially and succeeded in amortizing the city debt and in establishing a surplus. While his office prevented his taking an important part in the intellectual life of Paris, it not only permitted him to study at close range the economics of industry and the life of the working class in one of the busiest sections of France but also exerted a marked influence on his writings.

Clément's early reputation was founded on his *Recherches sur les causes de l'indigence* (Paris 1846). He opposed all forms of socialism and in *Des nouvelles idées de réforme industrielle* (Paris 1848) attacked the national workshops and the doctrines of Louis Blanc. He also objected to state ownership on practical grounds and in his own province successfully blocked the imperial prefect's plan to regulate the grain trade. He was a disciple of the ideologues, especially Destutt de Tracy and J. B. Say, and was strongly influenced by Malthus, Charles Comte and Dunoyer. He was one of the organizers and editors of the *Dictionnaire de l'économie politique* (2 vols., Paris 1852–53; 4th ed. 1873), for which he wrote the introduction. He also contributed to the *Journal des économistes*.

His principal writings, in addition to those mentioned above, are *Essai sur la science sociale* (2 vols., Paris 1867) containing three treatises on economics, experimental ethics and rational politics; *Le bon sens dans les doctrines morales et politiques* (2 vols., Paris 1878); and *La crise économique et sociale en France et en Europe* (Paris 1886), his last work, in which he sums up his arguments against excessive public expenditure, protectionism and socialism. Clément's contribution to nineteenth century economic thought is creditable but unoriginal.

ROGER PICARD

CLÉMENT, JEAN-PIERRE (1809–70), French historian and economist. Clément, who was employed in the department of finance, undertook a series of studies of French ministers and superintendents of finance. He became especially interested in Colbert, on whom he wrote a series of articles which were published in the *Correspondant* and later collected in a volume entitled *Histoire de la vie et de l'administration de Colbert* (Paris 1846). The work was crowned by the Académie Française. In 1859 he was commissioned by the government to collect and publish Colbert's papers, a formidable enterprise which was to occupy the greater part of his life. In all, ten volumes appeared under the title *Lettres, instructions et mémoires de Colbert* (Paris 1861–82, the two last being published posthumously). The introductions to each volume, which form in themselves a complete study of the work of Colbert, were published separately as the *Histoire de Colbert et de son administration* (2 vols., Paris 1874). At intervals Clément published a series of works on the history of the reign of Louis XIV and of French financial and economic policy, of which the more important ones are *Le gouvernement de Louis XIV de 1683 à 1689* (Paris 1848), *Jacques Coeur et Charles VII* (2 vols., Paris 1853), *Histoire du système protecteur en France* (Paris 1854), *Portraits historiques* (Paris 1855), *La police sous Louis XIV* (Paris 1866), *Madame de Montespan et Louis XIV* (Paris 1868), and *Une abbesse de Fontevrault au XVII^e^ siècle* (Paris 1869).

He had been appointed a member of the Académie des Sciences Morales et Politiques when a section for politics and administration was created in 1855. Although not very active politically, he was for many years a member of the general council in the department of the Var.

As an economist Clément was an ardent advocate of free trade. This, however, did not prevent his admiring the work of Colbert. He recognized the contribution which Colbert's system had made toward putting France in the front rank of manufacturing countries, but he questioned its advantages for national well-being in general and for the agricultural class in particular. In his *Histoire du système protecteur en France* he advocated a progressive downward revision of the tariff for the benefit of the people as a whole. He was primarily a careful, documentary historian whose works are models of critical erudition.

ED. ESMONIN

CLERGY. *See* PRIESTHOOD.

CLERICAL OCCUPATIONS. The term clerical occupations is now used to denote a large variety of office positions other than those of an executive or professional nature, most of which involve writing, computing or record keeping. These supplement the conduct of industry, business, education, public administration, scientific research and the dissemination of literature and news.

The existence of a special professional group of copyists and correspondents predated the designation of clerk. Assyrian monuments as early as the eighth century B.C. and Egyptian reliefs of remote dates portray scribes writing or copying on tablets, leather or papyrus rolls. Toward the end of the fifth century B.C. the Athenian book trade, catering to a wide reading public, employed large numbers of scribes, who were usually slaves. The use of papyrus rolls which were not durable, except in very dry climates, made it necessary continually to prepare new copies of the outworn books. The largest and most learned group of copyists ever assembled were those employed in the great libraries of Alexandria from the second century B.C. Rome not only developed a book trade but at the beginning of the fourth century A.D. boasted a number of public libraries which required the work of scribes. Professional scribes were employed by the illiterate lower classes for business as well as for personal correspondence. The affairs of government at all times necessitated the employment of clerical assistants.

The term "clerk" (*clericus*) itself goes back to the mediaeval "clergy," which was a collective name for the body of clerks who had taken holy orders. Its origin dates from a period when education was the prerogative of the men in the church. The great monastic orders of the Middle Ages set themselves the task of copying, on the more durable vellum codex, documents considered of value for monastic education. In the scriptorium of the monasteries the clerical monks sat hour after hour at their sloping desks, or *carolas*, busy with the transcriptions which were later to be corrected by the best scholars of the monasteries. The elaborate illumination of the text was, however, most often the individual contribution of the humble clerk. These clerical monks also compiled the monastery's chronicle, a compendium of useful information which often began with the creation of the world and extended to details of the recent history of the realm and of the immediate neighborhood. England owes much of the valuable source material of her history to the industry of the clerical monks.

Eventually, a "clerk" came to be any man who followed an occupation requiring writing. Clerks were used during the Middle Ages in connection with the business of the great secular feudal estates. The bailiff's roll, or annual balance sheet, contained a record of the receipts of rents and the outlays for expenses. As late as the thirteenth century the use of Roman numerals and other intricacies involved in the computation of these records necessitated specialized clerical assistance. Towns, parishes and other public bodies employed clerks.

As industry came into the control of the great craft and merchant guilds the employment of clerks increased. With every expansion in the character and scope of commerce, industry and public affairs the number of clerical workers increased. Very little change, however, in the character of the occupations themselves may be discovered before the last quarter of the nineteenth century. Although the invention of printing in the fifteenth century resulted in increasing rather than diminishing the number of clerks required, the nature of their tasks remained the same.

The introduction of the typewriter into the United States in the seventies marks the beginning of a series of other inventions for duplicating, computing, compiling, dictating, folding, addressing and the like, as well as of innovations in office practise. Concurrently there was a displacement of the small individual enterprise by the corporation and the trust as the dominant units in industrial and business life. These changes have resulted in a great increase in the number of men and women in the clerical occupations, in their congregation into larger units and at the same time in the increasing mechanization of their work. The following table shows the increase in the total number of clerical workers from 1910 to 1920, as well as increases in the various subdivisions recognized by the United States census bureau as comprising the group. These figures include government employees, whose problems, since they differ in important respects from those of non-government employees, are discussed elsewhere.

The three million odd clerical workers in 1920 show an increase of more than 80 percent over 1910. An even more striking increase, both relatively and absolutely, is shown in the figures for the number of women. For the occupational group as a whole, women represented 45 percent in 1920 as compared with 34 percent in 1910, less than 30 percent in 1900 and 6 percent in 1880. Men had long been in the majority in each of the subdivisions with the exception of stenographers and typists, among whom in the last decade women have predominated. The more rapid rate of increase of women greatly reduced the majorities of the men in the other subdivisions. In the subgroup of clerks, for instance, women in 1920 comprised a third as compared with about a sixth in 1910, an increase greater than in any other occupation reported by the

PERSONS 10 YEARS OF AGE AND OVER ENGAGED IN CLERICAL OCCUPATIONS IN THE UNITED STATES

OCCUPATION	1920			1910		
	TOTAL	MALE	FEMALE	TOTAL	MALE	FEMALE
All clerical occupations	3,126,541	1,700,425	1,425,116	1,737,053	1,143,829	593,224
Agents, canvassers and collectors	175,772	159,941	15,831	105,172	96,325	8,802
Bookkeepers, cashiers, accountants and auditors	734,688	375,564	359,124	486,700	299,545	187,155
Clerks	1,487,905	1,015,742	472,163	720,498	597,833	122,665
Messengers, bundle and cash girls and boys	113,022	98,768	14,254	108,035	96,748	11,287
Stenographers and typists	615,154	50,410	564,744	316,693	53,378	263,315

Source: Fourteenth Census of the U. S. 1920, vol. iv, *Occupations*, p. 43, Table 4.

census. Women clerks increased almost fourfold within the last decade.

It is within this largest subgroup of clerks, numbering in 1920 a million and a half, or almost half of the total occupational group, that some of the most drastic changes leading to mechanization and the introduction of woman labor have taken place. Women perform tasks which were either new or unknown at the beginning of the century.

The above table reveals the wide variety in the character of the work performed by clerical employees. This has most often been accompanied by a correspondingly wide range in the pay received. According to a study made in 1926 by the National Industrial Conference Board covering 27,000 employees in 427 companies the median weekly salary rate varied from $15.38 for mail clerks to $49.87 for chief clerks. Only when combined with administrative responsibility is clerical work well paid. According to the same study median weekly salary rates for general clerks were $19.38, for senior stenographers $27.47, for head bookkeepers $41.34. In the group of occupations most characteristic of office employment the average salary rate was close to $25 per week, as compared with weekly average earnings of $27.27 given by this same body for manual workers.

The gradation in tasks and salaries has helped to uphold the lingering tradition that the clerical occupations, in addition to affording more congenial work, shorter hours, vacations with pay and similar advantages, offer not only greater social prestige than factory labor but provide stepping stones to better positions. These advances presumably extend into important executive and technical positions. Such compensations are held to outweigh the small salaries of particular occupations.

Recent studies of wages and of working conditions in terms of hours, occupational hazards, economic security and opportunities for advancement tend to show that the shadowy line between many of these clerical tasks and unskilled factory occupations is becoming more and more imperceptible.

There still exists, of course, the small office in which the clerk, bookkeeper or stenographer finds in the variety of his daily work and in the opportunity for initiative and advancement compensations for a comparatively low salary. The proportion of such workers is small. The majority of clerical workers is concentrated in large units, attached to vast industrial commercial enterprises, in which mechanization has taken place in all branches of work from that of the file clerk to the more highly skilled bookkeeping and stenographic branches. The subsequent specialization and subdivision, involving physical segregation and precluding the possibility of advancement from one task to the other, have transformed most of these occupations into blind alley jobs. According to a study made recently by the American Management Association one large firm reported that over 80 percent of its clerical force did not expect promotion to other positions.

The technical aspects of mechanization as well as the problem of its immediate enforcement in office practise have been studied by industrial engineers. They have recommended the broader application of such methods as the introduction of piece work and of production standards often mechanically controlled, as well as of practises leading to the virtual elimination of individual initiative. This trend has aroused but little articulate comment either from the workers or from those in charge of business education or from students of labor problems.

The statement that office work is very much less injurious to the health than factory employment has also been challenged by some recent studies, which show that defects in systems of ventilation, illumination and seating arrangements are by no means uncommon and that morbidity and mortality rates are not low. The percentage of male office workers (unadjusted for age groups) suffering from tuberculosis is exceeded only by that of soldiers, sailors, miners (other than coal) and pottery workers. The average length of life of male office workers is computed at thirty-nine years.

It is probably true, however, that since their rate of turnover is lower office workers enjoy greater economic security than factory employees. This may be due in part to the greater docility of the clerical worker and to the selection, through elaborate systems of hiring, of workers likely to be stable. As their numbers increase, however, clerical workers are more and more likely to be subject to the incidence of cyclical fluctuations, especially in view of the steadily increasing oversupply of office workers turned out by the schools. The older men and women find the same difficulty in maintaining and securing employment as in factory occupations.

Supposed advantages in shorter working

hours have in some instances been more than counterbalanced by unregulated and excessive overtime. Moreover, the margin of difference is being cut into by the increasing number of organized manual workers who have won the five-day week and the shorter working day. In a study covering 304 establishments employing 174,000 clerical workers the average working day was 7 hours and 40 minutes, while 106 plants worked an eight-hour day and 25 plants more than an eight-hour day.

It has often been observed that members of the salaried class have an advantage over wage earners in that their earnings in times of depression are not reduced as soon or as much as those of wage earners. On the other hand, they have a corresponding disadvantage in that their salaries in times of prosperity are increased so slowly that they often fail to keep pace with the rising cost of living. According to Professor Paul H. Douglas the salaried and clerical workers in the United States in 1926 were "only 3 per cent better off than they had been during the nineties," which, he comments, is "particularly striking in view of the 29 per cent gain made by the manufacturing wage earners."

No form of organization has arisen among the clerical workers, with the exception of those in government offices, the railway and steamship clerks and a few hundred employees of labor unions. All three of these groups have received some external stimulus to organization. The railway clerks have been particularly successful, their number reaching almost a hundred thousand in 1929, of whom about one third were women. The existence of strong national unions and national collective agreements in other branches of the railway industry accounts in part for the railway clerks' organization. Another factor, which holds for governmental employees as well, is the large role of regulatory legislation, for the securing of which organization is necessary. With the exception of the activities of these three groups efforts to improve working conditions have in the main come from the employers. Workers' participation in any form of employee representation has been passive. Welfare activities, involving recreational facilities, lunchrooms and the like, have a vogue among clerical employees, particularly where women are in the majority. From time to time spasmodic organizing campaigns in the larger cities have been carried on among employees of banks and large insurance companies. Although the response in membership has been negligible, the agitating groups have claimed that their efforts have brought about increases in wages.

The indifference of the clerical worker to unionism or to any other form of collective organization may be explained by a number of factors. The greater number of women, especially younger women, workers, new to the problems of economic organization, has increased the difficulties of unionization. Most fundamental, however, is the old prejudice of the white collar worker against being identified in any way with the manual worker. The persistence of the belief that clerical occupations present opportunity for advancement may be accounted for by the fact that the number gaining promotion, although a decreasing one, is still much larger than among factory workers. The terminology of clerical employment confirms the assumption of superiority: clerical workers earn salaries, not wages; they go to business, not to work; their positions (not jobs) are in offices, not factories.

The situation of the clerical worker in Great Britain resembles in many respects that of the American clerk. Although clerks were persons of only minor social importance before the eighteenth century, the rise of the middle class in England caused occupational status to become far less rigid. Thus the career of Robert Clive, who had been a mere clerk in the employ of the East India Company and who attained a position of great wealth and influence, may be taken as symbolic of a development in which an amazed society saw the "clerks of yesterday become the capitalists of today." Beginning with the fifties, clerical occupations for women were highly recommended by leaders of the women's rights movement and a conscious effort was made to introduce women into the civil service. The "black-coated proletariat" of England enjoys still a feeling of social superiority to the factory operative.

In 1921 there were about a million and a half clerical workers in Great Britain, of whom a quarter of a million were government employees. Although British office practise has by no means undergone such mechanization and specialization as American, tradition operates against advancement of clerical workers. The economic status of the British clerical worker, especially since the war, is probably lower than that of the American. Various special bills for safeguarding the health and improving the working conditions of clerks in private establishments, in spite of the great need for such legislation, have been defeated in Parliament. The antipathy of the British clerk to unionization stands out in contrast to the British workingman's high degree of organization. In the first flush of the "new unionism" at the beginning of the twentieth century a national union of clerks was formed. During the war its membership exceeded 40,000, but in 1930 it had dwindled to less than 7000.

In the countries of continental Europe clerical workers have responded to labor unionism, and largely through their efforts measures regulating hours and wages and laws providing social insurance have been specially enacted for their benefit or have been so drawn as to include them.

Austria has been called the cradle of clerical unionism. The largest labor union membership of clerical workers, however, is in Germany. A rich literature is available concerning the status of the *Angestellten*, the term now distinguishing those in private employ from the *Beamten*, or government employees. It has been estimated that the number of clerical workers has risen from half a million in the eighties to two million in 1907 and to perhaps more than double that number in 1926. Of the non-government employees 400,000 belong to trade unions affiliated with the "free trade" union movement and with the Amsterdam International. Another large group is affiliated with the Hirsch-Duncker national organization, a third with the Christian labor unions; some scattered thousands are organized in unaffiliated neutral, or "yellow," groups, while a small number are communist in allegiance. Unionization came later among the clerical than among the manual workers. Incentives to organization may have been the desire for recognition in the extensive social legislation enacted in the nineties for other working class groups and the opportunity to participate in the political labor movement. In some instances it may have been the desire to keep pace with the industrial workers that aroused group consciousness.

The number of clerical workers in European countries is increasing. They now form more than 10 percent of the working population, as compared with 6 or 7 percent in 1906 or 1907. The wide influence in all countries of American business methods, added to the failure of clerical workers everywhere to maintain their economic status, has aroused considerable concern. Recently in Chile legislation enacted to protect clerical workers, of whom a great number are in the employ of American capitalistic enterprises, has been far reaching in scope, prohibiting the use of "yellow dog" contracts and providing for joint insurance funds and the like. The International Labour Office began in 1928 a series of conferences looking toward the international regulation of the hours of salaried employees in response to the growing concern for their poor economic status.

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See: OCCUPATIONS; PROFESSIONS; PUBLIC EMPLOYMENT; BUSINESS; BUSINESS EDUCATION; MIDDLE CLASS; SALARIES; WOMAN IN INDUSTRY; TRADE UNIONS.

Consult: Van Hook, Larue, *Greek Life and Thought* (New York 1923) p. 114–21; Cutts, E. L., *Scenes and Characters of the Middle Ages* (5th ed. London 1925); Douglas, Paul H., *Real Wages in the United States*, Pollak Foundation for Economic Research, Publication no. 9 (Boston 1930) p. 366–68; National Industrial Conference Board, *Clerical Salaries in the United States* (New York 1926); Hill, J. A., *Women in Gainful Occupations, 1870–1920*, United States, Bureau of Census, Census Monographs no. ix (1929); Coyle, Grace D., "Women in the Clerical Occupations" in American Academy of Political and Social Science, *Annals*, vol. cxliii (1929) 180–88; Nicholas, F. G., and others, *A New Conception of Office Practice*, Harvard Bulletins in Education, no. xii (Cambridge, Mass. 1927); American Management Association, *Office Executives' Series*, nos. 1–33 (New York 1924–28), especially "Office Working Conditions and Extra Compensation Plans" by H. J. Taylor, no. 30; Wright, Wade, *Health of Office Workers* (New York 1927), summarized in *Monthly Labor Review*, vol. xxvii (1928) 266–67; Bergen, H. B., "Social Status of the Clerical Worker and His Permanence on the Job" in *Journal of Applied Psychology*, vol. xi (1927) 42–46; Drake, Barbara, *Women in Trade Unions*, Labour Research Department Trade Union series, no. 6 (London 1920) p. 171–79; Schnaas, H., *Die Arbeitsmart der Angestellten und die Arbeitsmarktpolitik der Angestellten-organisationen* (Münster 1929); Lederer, Emil, *Die privatangestellten in der modernen Wirtschaftsentwicklung* (Tübingen 1912); Grünberg, S., *Das oesterreichische Angestelltenrecht* (Vienna 1926); Buelens, J., *Les employés en Allemagne* (Antwerp 1913); "The Trade Union Movement among Salaried Employees" in *International Labour Review*, vol. xv, no. 3 (1927) 414–30; Fuhs, R., "The International Regulation of Hours of Work of Salaried Employees" in *International Labour Review*, vol. xix, no. 6 (1929) 769–96.

CLERMONT-GANNEAU, CHARLES (1846–1923), French epigraphist and archaeologist. In 1867 he was appointed dragoman at the French consulate in Jerusalem. After fifteen years in the consular and diplomatic service in the Near East he returned to France, where until 1906, when he retired with the honorary title of *ministre plénipotentiaire*, he combined diplomacy with research and teaching. In 1890 at Renan's request the chair of Semitic epigraphy was established for him at the Collège de France. Both the French government and various English and French groups interested in archaeology commissioned him on several occasions to undertake archaeological expeditions to the Near East.

During Clermont-Ganneau's lifetime and largely through his own work Palestinian archaeology and epigraphy developed from scanty collections of useless material into exact sciences. After his initial good fortune in discovering the Mesha Stone, the most important written monument ever found in Palestine, he entered upon an uninterrupted series of brilliant archaeological, epigraphic and topographic discoveries, in which he displayed unusual linguistic erudition together with sound philological method and extraordinary archaeological flair, a combination of qualities which has been unsurpassed by any other oriental archaeologist. One of the sensational by-products of his career was the unmasking of the most notorious forgeries of the nineteenth century, the so-called Moabite antiquities, which had deceived the German archaeologists, and the "archetype manuscript of Deuteronomy," which had been offered to the British Museum for a fabulous price. Most of Clermont-Ganneau's papers and monographs are collected in *Études d'archéologie orientale* (2 vols., Paris 1880–92), *Recueil d'archéologie orientale* (8 vols., Paris 1888–1923) and *Archaeological Researches in Palestine* (2 vols., London 1896–99).

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Consult: Ingholt, Harald, in *Revue archéologique*, 5th ser., vol. xvii (1923) 342–45, and "Bibliographie de Charles Clermont-Ganneau" in *Revue archéologique*, 5th ser., vol. xviii (1923) 139–58; Jalabert, Louis, in *Études*, vol. clxxiv (1923) 590–98.

CLEVELAND, STEPHEN GROVER (1837–1908), American statesman. Four years after his admission to the New York state bar in 1859, Cleveland became assistant district attorney of Erie county and subsequently served as district attorney and sheriff. In 1881 he was elected mayor of Buffalo on a reform ticket. He attracted considerable attention by the thoroughness with which he carried out the reform program and in the following year, partly as a result of this reputation, was chosen to the governorship of New York on the Democratic ticket. During his administration he became nationally prominent by his stubborn honesty, his defiance of Tammany and his blunt way of dealing with public questions. Nominated for the presidency in 1884 he defeated Blaine in a campaign which brought him warm support from reform elements, and in the following year he organized in Washington the first Democratic administration since before the Civil War.

Cleveland's eminence is that, not of an aggressive reformer in the Rooseveltian or Wilsonian sense, but of a conservative statesman who was unflinching in his adherence to principle. A man of limited intellect and foresight and yet endowed with clear immediate vision, he pursued a ruggedly direct course. In his first administration he alienated many of the party politicians by resisting the extreme demands of the spoilsmen for office and by his support of civil service reform (which he enlarged still further in his second administration); insisting upon the independence of his appointive power he forced Congress to repeal the Tenure of Office Act. A still larger section of his party was alienated by his vigorous opposition—culminating in his veto of the first general pension bill of 1887—to the practise of indiscriminate granting of Civil War pensions. Becoming convinced of the unfairness of the high protective tariff, which in addition, by piling up a large treasury surplus, was proving a source of embarrassment to the administration, he devoted his entire message of December, 1887, to an attack upon it. Renominated in 1888 he gained a popular plurality but lost the election to Benjamin Harrison. Nevertheless, his tariff message proved a successful stroke. The congressional elections of 1890 were a sweeping popular repudiation of the excessively high McKinley tariff, which had been passed in that year; and in 1892, running against Harrison in a campaign dominated by the tariff issue, Cleveland won a decisive victory. His second administration proved one of the most troubled in American history and was, in spite of his undeviating devotion to sound principles, to a certain extent disastrous. One of his most painful disappointments was the defeat of his low tariff policy, which had been endorsed by the country in two national elections. By means of lobbying and logrolling and by an alliance between the Republicans and a small group of protectionist senators of Cleveland's own party under the leadership of A. P. Gorman, his opponents were able to carry through the unsatisfactory Wilson bill, which Cleveland denounced and allowed to become law without his signature. The financial problems of the second administration were strikingly different from those of the first. The president was embarrassed, no longer by a surplus, but by an acute shortage which had been gradually produced by heavy expenditures under President Harrison and by the effects of the Sherman Silver Purchase Act of 1890 in draining the treasury of its gold. In the severe crisis precipitated by the panic of 1893 Cleveland was finally successful, although at the cost of permanently alienating the great body of free silver Democrats, in saving the government from bankruptcy. He compelled the repeal of the Sherman Silver Purchase Act, rescued the treasury by the desperate remedy of four bond issues and sustained the capacity of the government to continue its gold payments. To restore order in Chicago following the violent Pullman strike disturbances of 1894 he secured a federal court injunction against the strikers and by sending federal troops maintained the national government's right of intervention. Although he resisted the annexation of Hawaii and refused to be driven into war with Spain over the insurrection in Cuba, he emphatically asserted the interest of the United States in an equitable settlement of the Venezuelan boundary and forced Great Britain to recognize the implications of the Monroe Doctrine. So unpopular were many of his acts that during his last year in the White House he was left in political solitude, but he accepted doggedly the penalty for his inability to compromise. Cleveland lived long enough to witness a general public recognition of his civic heroism. He will be remembered for some of his specific policies, but much more for the example he gave of unflinching adherence to his ideal of public duty, which, although sometimes narrow and unimaginative, was always conscientious.

Allan Nevins

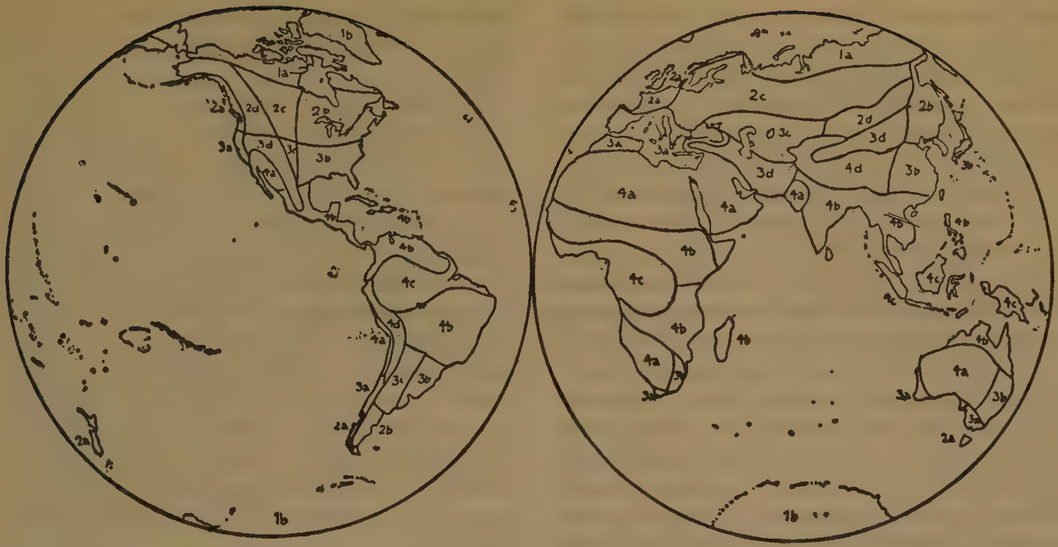
Consult: McElroy, R. M., *Grover Cleveland, the Man and the Statesman*, 2 vols. (New York 1923), especially bibliography, vol. ii, p. 387–416.

CLICQUOT-BLERVACHE, SIMON DE (1723–96), French economist. Both before and after his appointment as director general of manufactures and commerce in 1766 he wrote a number of tracts dealing with matters of economic policy. He was fundamentally an economic liberal, although caution occasionally impelled him to favor moderate internal regulation or more drastic regulation of foreign trade. In the most notable of his works, *Considérations sur le commerce et en particulier sur les compagnies, sociétés et maîtrises* (Amsterdam 1758), which according to Dupont de Nemours was written "under the supervision and with the advice of Gournay," he traces the history of the guild system in France, analyzes its effects and concludes by advocating its abolition. His attention was directed primarily toward commerce and industry, but he was careful, in that age of physiocrats, to give adequate recognition and consideration to agriculture. In order to encourage the peasant class in a kingdom where he saw "many trades and few ploughs" he suggested such changes as the reform of the *taille* and the suppression of all feudal dues (*L'ami du cultivateur*, 2 vols., Chambéry 1789). In general he was inclined to accept the rural policy of the physiocrats, with the reservation that consumers' interests must be safeguarded. Clicquot-Blervache's other works include: *Dissertation sur les effets que produit le taux de l'intérest de l'argent sur le commerce et l'agriculture* (Amiens 1755), in which he called for legislation to reduce the interest rate, a policy of which he later perceived the fallacy; *Dissertation sur l'état du commerce en France depuis Hugues Capet jusqu'à François I* (Amiens 1756); *Essai sur le commerce du Levant* (unpublished); *Éloge de Sully* (unpublished).

G. Weulersse

Consult: Vroil, Jules de, *Étude sur Clicquot-Blervache, économiste du XVIII^e siècle* (Paris 1870).

CLIMATE. *The Climatic Regions of the World.* Because of the recurrence in the several continents of similar relationships between land, water, wind direction and distance from the earth's equator it is possible to define type climates which serve an important purpose in the science of climatology. Since the earliest times the device of type climates has been employed, but until recently the definition of types has been loose and misleading. Thus the term "torrid zone" is descriptive of neither land nor climate, for the area so designated contains deserts and swamps, thick hot forests and bleak cold plateaus. The continental designations, as "Africa" or "Europe," are equally non-descriptive. But "tundra" or "equatorial forest" are definite descriptive terms. Excellent climate maps constructed on scientific lines are now available. Among them that of W. P. Köppen (to be found in Petermann, A., *Mittheilungen*, ed. by P. Langhans, vol. lxiv, 1918, p. 240) is a



marvel of completeness but is too complicated for the purposes of the present discussion. The accompanying maps are based on the classification of A. J. and F. D. Herbertson (*The Senior Geography*). By means of such charts a more adequate knowledge is obtainable of the typical climates of the world and of their relation to some of the elements of civilization.

The wet equatorial lowland or Amazon type (4c) is a climate with sufficient heat and humidity to produce a thick forest with dense foliage and huge tree trunks. When the forest is cleared an impenetrable jungle quickly springs up. This is the land of palms, bananas, cassava and rice and covers large areas in South America, Africa and the East Indies.

The summer rain or Sudan and monsoon types of climate (4b) are found in tropic grasslands marked by frequent and heavy rains which alternate with months of drought. In the wetter areas near the equator these lands are covered with tall grass interspersed with trees, forming a landscape called savannah. The amount of rainfall decreases with distance from the equator, and grass and trees become progressively scarcer until the grassland tapers off to sparse scrub and bunch grass and finally, in Africa, merges into the deserts of Kalahari and Sahara. In Asia the great land mass of the continent heats up in summer, causing the air to become light; the barometer falls and there is great indraft of wind from the seas. This summer wind is called a monsoon. India has a monsoon type of climate. In Australia the smaller land mass located, like Asia, just outside of the equatorial belt produces a similar summer season but one not so strongly developed as that in the more gigantic Asia. In these tropic grasslands the rainfall is much more irregular as to both quantity and time than it is in Europe. As a result wild animals must struggle for the water hole and man must deal with the recurrent problem of famine. The tropic grasslands of South America are almost entirely uninhabited, a condition due not to whim or accident but to irregularity of rainfall. Within recent years the complete failure of crops in the Brazilian state of Ceará, just north of the east point of Brazil, caused most of the population to move to the seacoast to be fed for a season at government expense.

The lofty plateau or Bolivian type of climate (4d) is found in the Andean and Tibetan plateaus. These are lands of cold dry pastures with patches of potato and hardy cereal tillage.

The western desert or Sahara type (4a) is hot and dry. It is found on the western margins of continents in latitudes of twenty to thirty degrees and these regions have deserts immediately upon the shore of the sea.

Warm temperate, western margin or Mediterranean climate (3a), lying poleward from the desert areas, is as systematically distributed as is the desert type. Rain falls only in winter, when plants cannot make the best use of it. The winter rain is accompanied by temperatures usually above freezing, and grass, wheat, barley and other hardy plants may grow through this season. The grass and flowers of early spring are followed by a summer of shimmering heat, dead grass, bare fields, hazy atmosphere and a mantle of dust. Mountains are extremely important in regions with Mediterranean climate because they catch and hold the winter snows and furnish water for the irrigation of the low plains that are otherwise dry in summer, as in California, Chile, Australia, the *huertas* of Spain, the orange orchards of Sicily and the coasts of Palestine.

Warm temperate, eastern margin or China type of climate (3b) is found in areas in the same latitude as those having the Mediterranean type, but on the eastern side of continents. These areas have abundant summer rains, thus providing vegetation with heat and moisture at the same time. Of the six areas which have this climate the Asiatic, peopled by the Chinese, the Japanese and the Koreans, supports greater populations than any other. Southeastern United States, with about 700,000 square miles of this type of climate, is one of the great potential food reserves of the world. The South American, the African and the Australian areas are much smaller, not so well supplied with rain and attached to large tropical land areas from which locusts, boll weevils and other pests come to ravish and destroy the crops.

Warm temperate, interior lowlands or Turan type (3c) and plateau or Iran type (3d) are found in America and Eurasia where there is some lowland, like the plains of Turkestan, or where there are wide areas of land of little rain and some high land, like the adjacent plateau of Iran. These are lands of pastoral nomads in the Old World and of cowboys and ranches in the New. They are also lands where mountain streams furnish water to irrigate lowland spots and to support the urban centers, such as Samarkand, Teheran and Salt Lake City.

Cool temperate, western margin or west European climate (2a) is found poleward from the Mediterranean type, on the west coasts of continents. These areas, with their frosty winters and cool summers well suited to maturing crops of wheat, barley, rye, oats, potatoes, beets and various clovers, have one of the best of all climates for man. The white races seem better adapted to the temperature of this region than to that of any other which affords an abundant food supply. Europe opens a plain to the ocean at forty to fifty degrees north latitude, permitting a wide extension of this climate into its interior. Scandinavia and Alaska may preferably be considered as a separate type. In North and South America, with their western mountain walls, this type of climate is restricted to narrow coast lands where agricultural land is limited to a few thousand square miles. There is no climate of this type in Australia, but Tasmania and New Zealand offer a fair counterpart to the British Isles.

Cool temperate, eastern margin or Laurentian climate (2b) has the latitude of the west European, but the winters, both in Asia and in North America, are very cold and the land is buried deep in snow. Rye, oats and potatoes are grown in this region. Patagonia, the South American land with this Laurentian climate, suffers from drought because the Andes shut it away from the moisture bearing winds of the Pacific. A large proportion of the 2b areas and also of the 2c areas is too cold for agriculture but nevertheless permits coniferous trees which sweep in a wide belt around the north pole in Siberia, Russia, Sweden, Norway, Newfoundland, New England, Canada and Alaska—all lands of the fur hunter.

Cool temperate, interior lowlands or Siberian climate (2c) is found in North America and Eurasia where the land is low and cut off from the sea. This continental climate is extreme—hot in summer, cold in winter. The influence of ocean and continent in differentiating climates in similar latitudes is well shown by comparing the London January average of 38.7° F. with the January average of —15° F. directly eastward in Siberia. The ocean that keeps London warm in winter keeps it cool in summer, affording it a July average of 63.1°, while the July average in Siberia is 74°. North America shows similar contrasts. This continental interior climate has light snows and a maximum of rain in summer. It is this climate which, if warm enough, fosters spring wheat, oats, barley, flax and in moister places the potato and the sugar beet.

Cool temperate, interior highland or Altai type of climate (2d) in the higher lands in the interior of continents contains large areas of upland forests, rock, snow and summer pastures.

Polar lowland or tundra climate (1a) is found in the wide area of lowland facing the Arctic Ocean. This low, treeless plain is called the tundra. It is frozen for nine or ten months of the year and wet and slushy during two or three months of partial thaw. The tundra is the home of the reindeer and of a few reindeer peoples; of the rabbit, fox, wolf and of waterfowl which go there for the summer nesting period and migrate to the tropics in winter.

Polar highlands or ice cap climate (1b) is found in Antarctica and in Greenland. The polar ice caps cover all arctic highlands for three or four million square miles in Antarctica and half a million square miles in Greenland.

These climates have not always occupied their present areas. In the glacial epoch the areas between the arctic tundra and the equatorial forest were compressed within much narrower limits. There is also much evidence to indicate that even during the time of man there have been variations in rainfall as well as in temperature that have caused the boundaries of climatic regions to shift back and forth across marginal zones many miles in width. These differing amounts of rainfall have been a factor in causing variations in natural vegetation, animals, crops and human cultures in given locations.

The Study of Weather. The rainmaker is an important man among primitive peoples. He is found in almost every climate where drought harasses mankind, especially in Australia, the grasslands of Africa (although he is absent from the forest), parts of Russia, Central America and in southwestern United States, where the Zuni and other tribes living in the less arid spots of Arizona and New Mexico perform a most elaborate ritual to bring rain. Ritual and prayer for rain are, in fact, almost universal. Homer attributed the changes in the wind or weather to the direct action of the gods, and Biblical authors ascribed them to the Deity. It has long been known that the weather follows fixed laws. Yet the primitive and pious belief in the reversal of these laws by the special intervention of deity still persists. During periods of drought in various parts of the United States many thousands join in prayer for rain.

No successful artificial rainmaking technique has as yet been devised. Men can at present merely predict the weather to a limited extent by the careful observation and study of atmospheric changes. Weather prediction is a very ancient art. Primitive man made and still makes predictions about the weather and every civilization has developed its weather proverbs. Aristotle made a formal attempt to study the subject, but his field of observation was small and his method poor. His pupil, Theophrastus, published in his *On Winds and on Weather Signs* (tr. by J. G. Wood, ed. by S. J. Symons, London 1894, §§ x–xii) in the fourth century B.C. an elaborate exposition of weather lore, giving eighty different signs for rain, forty-five for wind, fifty for storm, twenty-four for fair weather and seven for the weather for periods of a year or less. Vergil, in the *Georgics*, bk. i, presents a notable collection of weather signs for the guidance of husbandmen. Many of the signs and sayings recorded by Theophrastus and Vergil are still the guidance of the uneducated of Europe and America. Mediaeval England added items appropriate to a weather with summer rain. The American weather lore is the European tradition with modifications. The United States Weather Bureau has recently collected and published many interesting items of weather lore.

After Aristotle there was no advance in the study of weather and climatic conditions for nearly two thousand years. Around 1600, however, Galileo invented the thermometer and in 1643 Toricelli invented the barometer. With these instruments of precision meteorological science began to progress. By 1659 Robert Boyle had used Toricelli's barometer to discover some important facts about the pressure and masses of air, so that within another decade barometers could be made with signs much as at present: "change," "rain," "fair," etc.

In the first half of the eighteenth century Edmund Halley presented the hypothesis of the general circulation of the atmosphere with a zone of ascending air at the equator as an important element. Shortly after this George Hadley worked out the theory of the trade winds as influenced by the rotation of the earth. In 1800 Dalton published his epoch making paper on rarefaction and condensation, which became the basis of modern physical meteorology.

H. W. Brandes, a German from the Palatinate, was the first to publish a series of daily weather charts. They appeared in 1820 but covered the year 1783. His work was dependent on the data of the Chevalier de Lamarck working with Laplace, Lavoisier and others who had been collecting and publishing meteorological information for about twenty years. Brandes also published maps of certain great storms of 1821 and 1823 and explained them in a proper meteorological way as being produced by barometric depressions, now called cyclones, advancing from west to east over the earth's surface. He had been preceded in this theory by the observant Benjamin Franklin, who by asking for information about a certain storm from members of the Continental Congress who came to Philadelphia from various points in the eastern part of the United States made the discovery that storms move. Brandes proposed the organization of regular meteorological services for the study of storms, and between 1850 and 1856 several European countries established meteorological stations.

The telegraph made it possible to assemble data promptly and was a necessary device for the modern weather service with its daily forecast, which began to be published regularly in England in 1872. Only two continents, Europe and Australia, have complete daily weather maps, but such maps are also published by the United States, Argentina, India, Japan, the Soviet Union and by the Jesuit Observatory near Shanghai.

An obstacle to the study of weather and climate is the lack of sufficient preliminary data. We live at the bottom of a sea of air which is perhaps 200 miles high and covers about 200,000,000 square miles of land and sea. A small captive balloon released and allowed to ascend 20,000 feet will sometimes show four different wind directions within the zone of its ascent—a fact suggesting the need of observing the upper air as well as making the usual surface measurements of temperature, pressure, rainfall and cloud and wind direction.

Through the work of Alexander Buchan, for years secretary of the Scottish Meteorological Society; Julius von Hann, director of the Austrian Meteorological Service; the British Meteorological Office; the American Weather Bureau and many other weather bureaus and private scientists, many weather data have been collected, but many more are needed. For example, William Hobbs has recently advanced a plausible theory, supported by some observation, to the effect that the Greenland ice cap is the place of origin for many storms of the north Atlantic (*The Glacial Anticyclones*, New York 1926). Years of observation will be required to prove or disprove this theory. Meteorologists are sure that meteorological observation on the antarctic continent would be of great value, perhaps in aiding prediction of great droughts in the southern hemisphere especially and in some measure in the rest of the world. If the money necessary to run two battleships could be devoted to the study of the air, man's power to predict weather could probably be multiplied many fold.

The Influence of Climate on Man and Civilization. It is generally agreed that weather and climate have both direct and indirect influences upon man and upon civilization, but there is very little exact knowledge as to the extent of this influence. Everyone knows, however, that extreme heat, especially when accompanied by humidity, makes men disinclined to physical or mental exertion; that cool, bracing weather stirs him to activity; that strong wind is unpleasant.

Weather and climate have an indirect influence upon man through the action of pests: gnats, mosquitoes and other annoying insects. Still more indirect are the influences of certain climates on the prevalence of diseases, such as yellow fever and malaria, which are transmitted by mosquitoes. The tsetse fly bears sleeping sickness; in certain damp climates the hookworm thrives. As medical knowledge advances man may control and even eradicate these diseases thus making the regions habitable, but at the present time it is the insect and not man who reigns over large areas.

Climate indirectly influences man also through its relation to the food supply. Irregularities of weather, producing great fluctuations in the supply of food, tend to result in migration. Climate has a great part in deciding whether man in a certain place shall be a farmer or a follower of flocks; whether certain land will have no inhabitants, one inhabitant to ten square miles or one or one hundred or one thousand to the square mile; whether man must live in a tent or may live in a city rich with cultural accumulations. Climate is sometimes a factor even in the degree of dependence among men. For example, in some areas the necessity of irrigation compels men to work in large groups in order to control the distribution of rainfall, while abundant and regular rainfall permits the small farmer to be entirely independent of his neighbor, as far as farm production is concerned.

Hippocrates, in the fifth century B.C., was probably the first writer in western literature to express the idea that weather molds the life of man. In his treatise on *Airs, Waters, Places* he tells how the knowledge of climate ought to be used and explains the differences between the East and West in habits of life and character as a result of the differences in climates. This idea of climatic dependence was also firmly held by Montesquieu, even to the point of belief in the influence of climate on philosophy and religion. He points out that people in cold climates are more vigorous than those in hot climates and that heat results in a profound disinclination to mental effort and hence produces differences in culture, philosophy and the observances of religion.

Buckle in his *History of Civilization in England* advances the thesis that civilization can arise only where wealth, made possible by a favorable climate, gives leisure. He cites the semibarbarous nomadism of the Asiatics while they lived in arid pastures and the contrast of their culture when they had migrated to regions where water made fat lands and permitted them to build Cordova, Bagdad and Delhi.

The German geographer Karl Ritter is commonly regarded as the first modern exponent of the school of thought which holds that geographic elements, including climate, are often a force that molds the affairs of men. Ritter cites the work of Schauw, who divided Europe into four zones according to the indigenous trees rather than the latitude: pine and birch; beech and oak; chestnut; and evergreen tropical trees. Such zones, characterized by their indigenous trees and crop plants, Ritter held to be easily establishable over the entire earth. This is properly regional geography. The map of Herbertson expresses this type of analysis.

The views of Friedrich Ratzel are virtually the same as those presented at the beginning of this section.

From Hippocrates to Buckle and Ratzel the philosophers on the influence of climate have dealt mostly with unmeasured data derived from casual observation. In our own time Ellsworth Huntington has introduced the quantitative method. Geological studies in central Asia brought Huntington to large ruined cities in deserts where men could live at the present time only by irrigation, for which the nearby streams are entirely inadequate. These observations suggested to him that climate had changed within historic time. His theory of cyclical fluctuation was developed by further study and embodied in *The Pulse of Asia*. The thesis of this book is that wet eras raised large populations and that dry eras forced them to migrate into Europe, China and India. The variations in the rate of growth of the big trees in California furnish interesting corroborative climatic evidence of this theory.

In *Civilization and Climate* Huntington passes to the effect of climate upon man and advances evidence from records of factory workers and marks of college students to show that man is most energetic physically at a temperature of about sixty to seventy degrees and in a place where there are frequent changes of temperature of a few degrees in each direction. This requirement is furnished by the cyclonic weather of western Europe, western North America, eastern North America and eastern Asia, north of latitude 30° on the east coasts and 35° on the west coasts—the present centers of greatest human activity. Huntington goes even farther and claims that man's mental activity is greatest at a temperature of about forty degrees and that both physical and mental activity decline with extremes of either heat or cold. He finds similar conditions in the physical activity of animals and plants.

Such deductions as these point toward an interesting theory concerning a climatic explanation of history. Ward, Sorokin and others have criticized the Huntington theory in various of its aspects, and certainly much research remains to be done. For the present, however, it has at least the advantage of coinciding with many conclusions already accepted by most students. For many of the questions he raises there can be no possible answer in the present state of our information. There are still basic data missing in our comprehension of changes in both climate and weather. Even the important question of atmospheric circulation and variation in air pressures remains still unsolved.

When one considers that the whole human race is continuously influenced by climate, so absolutely dependent upon it, one is shocked that it has been but little studied. Potential economists, historians, political scientists, sociologists and anthropologists are trained with no insistence on a knowledge of geography further than that required in the elementary schools. This omission of a fundamental science becomes all the more incomprehensible in view of the fact that the basic importance of climate and other elements of geography has been known for centuries. The study of climate should be a major research of the scientific and also of the economic world.

J. RUSSELL SMITH

See: HUMAN GEOGRAPHY; CULTURAL GEOGRAPHY; ECONOMIC GEOGRAPHY; DEMOGRAPHY; DETERMINISM; ENVIRONMENT; POPULATION; MIGRATION; FOOD SUPPLY; ACCLIMATIZATION.

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CLINICS AND DISPENSARIES.

A clinic is a medical institution for the treatment and prevention of disease or for the promotion of health among ambulatory patients exclusively. This description more nearly corresponds to modern usage than the etymological definition, "a center for medical education." When the clinic is attached to a hospital as a division furnishing service to ambulatory patients it is known as an out-patient department. The portion of a clinic concerned with the actual dispensing of medicine is usually called a dispensary, although in some instances the term is still used to denote the type of organization defined above as a clinic.

The various types of clinics are classifiable, according to affiliation, as out-patient departments of hospitals or unattached clinics. According to function they may be curative, preventive or diagnostic. They may be teaching clinics, attached to hospitals or working independently, or health stations and health centers. According to the range of diseases treated they are ordinarily defined as general and special; according to their motivation, as non-profit and profit making or proprietary. The special clinic may relate to any one of the subdivisions or specialties into which medicine is divided from anaphylaxis to X-ray. The non-profit clinic may be a free or a pay clinic, and the latter may make only nominal charges or may charge fees high enough to cover all expenses. The auspices under which clinics are conducted, whether an industry, a church, a school or a child welfare organization, may also furnish distinctions between them and may have considerable bearing on their medical scope and purpose.

Health centers or organizations which provide, promote and coordinate medical service and related social service for a specified district sometimes establish clinics, but usually devote them solely to preventive services such as infant welfare, prenatal work, nutrition, dental prophylaxis, habit clinic service for preschool children, child guidance and other recognized public health activities. Mobile clinics of various types for rural health work are often conducted by public health organizations. Health centers may also conduct clinics for the treatment of special conditions such as tuberculosis, cardiac, venereal and mental diseases or correction of the eye, ear, nose and throat defects of school children. Birth control clinics may or may not be affiliated with social agencies or hospitals.

Proprietary clinics run on a business basis are to be distinguished from clinics conducted as non-profit organizations or as branches of charitable societies. Proprietary clinics are usually group clinics organized by a number of physicians who voluntarily associate themselves to gain the professional and economic advantages of using in common a certain plant, equipment and organization. This type of clinic makes possible group diagnosis and group therapy and facilitates the exchange of ideas among the doctors so associated. In such units, however, medical social service is for the most part lacking. A group clinic may be distinguished from an association of independent practitioners utilizing personnel and offices in common by the fact that the former is financed by a joint income.

In 1926, the last year for which a list of clinics was compiled, the total number in the United States, classified according to type, was as shown in the table below.

NUMBER OF CLINICS IN THE UNITED STATES, 1926

Total Reported June, 1926	5726	
Out-patient departments	1790	
General	1302	
Hospitals		1252
Medical schools		50
Special hospitals	488	
Nervous and mental		197
Tuberculosis		107
Children's		52
Women's		49
Eye, ear, nose and throat		37
Orthopedic		26
Other		20
Unattached clinics	2793	
Baby and child hygiene		1000
Tuberculosis		585
Venereal disease		350
Red Cross and health centers		350
General		347
Mental		79
Dental		57
Other		25
Clinics serving special groups	923	
Industrial		500
Federal		423
Group clinics	220	

Source: Davis, Michael M., *Clinics, Hospitals and Health Centers*, p. 38.

Clinics for the poor appear to have been established in some mediaeval European medical centers, and there are indications that similar institutions existed in ancient Greece. In Great Britain the earliest clinics, known as dispensaries, were established toward the close of the seventeenth century; those in the United States, modeled after the English clinics, appeared a century later. As medical education developed beyond the stage in which the student learned through individual preceptors, the clinic, originally charitable in purpose, was utilized also for medical teaching. In Boston, New York and Philadelphia medical education began to utilize the clinic before the middle of the nineteenth century. Later in the century the division of medical practise into specialties required opportunity for concentrated study of particular organs and diseases. Hospitals concentrating on the treatment of eye, ear, nose and throat defects and pediatrics usually had large out-patient departments which afforded students opportunity for observation and practise work.

The early twentieth century marked the beginning of organized public health work for the control or prevention of tuberculosis, infant mortality, maternal mortality, venereal disease, mental disorders, diseases of the heart and cancer. All of these health campaigns have in common two methods of procedure: the education of the public to the need of preventive measures and the increasing of facilities for the detection, care and control of disease. Each movement has required a large extension of clinic service. The development of health clinics and health centers may be said to have begun in the years immediately preceding the war, and they entered a period of more rapid growth shortly after the close of the war. In eighty-three large cities of the United States covered by the survey of the Committee on Municipal Health it was found in 1923 that eighty-one had clinics for the treatment of babies, seventy-seven for tuberculosis, sixty-eight for prenatal care, eighty-one for venereal disease and thirty-one for mental disorders, whereas in 1900 there had been only about one hundred and fifty clinics of all kinds in the entire United States. The new preventive or public health clinics were maintained largely by city health departments, with the exception of the venereal clinics, most of which were in out-patient departments of hospitals either supported entirely by private funds or with some state subsidy. In recent years many hospitals have taken over as out-patient departments unattached clinics either with help from the city health department or with merely general cooperation from health authorities.

In Great Britain the long established voluntary hospitals in the larger cities have well developed out-patient departments. The total amount of out-patient service in London is probably greater than in New York, but is almost exclusively for the very poor. Through the panel system of providing medical service the British national health insurance has rendered it unnecessary for employed persons to come to these clinics for general treatment, but the clinics are widely resorted to for specialized treatment since specialists are not furnished under the British Health Insurance Act.

On the continent out-patient service was developed at first chiefly in the teaching institutions; more recently the health insurance systems in Germany, Austria, Poland, Russia and other countries of eastern Europe have initiated extensive clinics. Certain of these health insurance clinics provide general medical attention; others are centers for referred diagnostic cases and for specialized treatment. They are not charitable institutions but, like the German and Austrian health insurance systems, are supported by payments from the beneficiaries and their employers and are managed by a committee which is chosen jointly by these two groups.

Standards of clinic service are usually adapted to the field of work undertaken. A clinic may be organized solely to receive a dozen or twenty mothers and babies in a day and may be in session only a few times a week, or its administration may be confronted with the problem of assembling and managing an organization of as many as twenty specialized departments receiving two thousand patients in a day. Consequently if standards or principles for the organization and administration of clinics are to be broadly applicable they must be framed in very general terms.

The standards of a clinic are determined by the quality of the medical service, the adequacy of quarters and scientific equipment for the amount and scope of medical work to be covered, the quality and quantity of such professional and administrative personnel as is necessary to assist the physicians and the extent to which cooperative relations are established with the organized social forces of the community. These forces include the practising medical profession, official and voluntary health agencies, social agencies and business establishments as well as possible sources of financial support such as philanthropic individuals or organizations.

Technical standards, formulated by the Associated Out-Patient Clinics of New York and later adopted by the American Hospital Association, included the intimate association of the out-patient and in-patient services of the hospital and the unification of their medical staff and administrative organization; the limitation and regulation of the number of patients in accordance with the facilities of staff, space and equipment; the establishment of adequate laboratory service for the out-patient department; the provision of nursing service, hospital social service and clerical service; and the maintenance of adequate records of medical work, attendance, income and expenditure.

A system of case accounting is valuable in giving statistics for testing the clinic's efficiency and the relative proportion of its work which is carried out to a conclusion. Through it the clinic management and the physician may learn the degree to which patients are attending the clinic and are thus able to make periodic summaries of the extent to which patients remain under treatment, lapse or drop out altogether. Local studies have shown that as a rule more than half the patients make only one visit to the clinic and that only two fifths of all cases are considered satisfactorily closed.

In the United States several organizations are now engaged in surveys of the work of clinics. The Committee on the Cost of Medical Care includes in its five-year program of study special consideration of clinic service. The Committee on Out-Patient Work of the American Hospital Association and the Associated Out-Patient Clinics Committee of the New York Tuberculosis and Health Association are interested in higher standards of efficiency.

The divisions of a clinic which are principally responsible for its efficiency are the service departments, which deal directly with the diagnosis and treatment of patients. The primary professional staff of these departments consists of the physicians or dentists, divided for working purposes into such departments or specialties as the size and scope of the clinic may require. They are usually appointed by and are under the supervision of the final authority of the clinic, generally the board of trustees. In the out-patient department of the hospital the in-patient and out-patient staffs are expected to work as one organization and the executive in immediate charge usually has the rank of assistant superintendent of the hospital or its equivalent. In the better organized clinics the staff communicates with the trustees through a liaison officer or committee. In unattached clinics the executive officer is appointed by and is responsible to the final governing authority. Research workers and technicians also may be considered as part of the clinic staff although in a hospital with an out-patient department the laboratory and X-ray departments usually serve both ambulatory and bed patients.

The secondary professional groups are the nursing staff and the social service workers. In an out-patient department the former is part of the general hospital nursing service, and out-patient work provides valuable educational material for the student nurses. Hospital and clinic social service is a comparatively new development. It has become an important aid to the physician in supplying him with the necessary information concerning the patient's background, assisting him to instruct the patient and in removing obstacles to successful treatment which the patient's social and economic circumstances may involve. The follow up work of the social service department in seeing that the patient puts into effect the clinic's recommendations is particularly necessary in view of the high number of single visit cases and of cases recorded as incomplete. The social worker in the clinic is also essential in establishing cooperative relationships with the charitable and educational agencies of the community, and aids in determining the somewhat obscure boundary line between medical and social responsibility in a case.

Clinics are governed by the general laws affecting medical practise and philanthropic organizations and have been subjected to few special legal regulations. A few states require clinics to be licensed by a state authority, mainly for the purpose of protecting the public against commercial and quack undertakings masquerading as public spirited services. In a few large cities this authority is vested in the local health department. The legal responsibility of the clinic physician is generally the same as that of the physicians in hospitals and charitable institutions. In group, industrial and other clinics conducted on a proprietary basis, however, the position of the physician is legally that of a private practitioner. Medical societies have in some localities taken steps to define the conditions under which member physicians may engage in clinic work.

The financing of clinics and their effect on the income of private practitioners has been the subject of much debate. Clinics, like hospitals, were originally established solely as charities; consequently the income derived from their operations was insignificant. The financing of clinics was until recently almost wholly a question of securing gifts to meet the meager expenses. With the development of higher standards and more expensive personnel and equipment, costs have greatly increased; and with the broadened scope financial policy has changed. Throughout the United States fees are now generally collected from patients attending curative clinics, although clinics maintained by tax funds generally, but not always, furnish free service. In clinics giving treatment there has been a steadily growing tendency to make additional charges for X-ray, laboratory work, special treatment and appliances. As a result the out-patient departments of hospitals now earn an increasingly large proportion of their expenses. Clinics doing only preventive work rarely exact fees.

The operating expense of a clinic is generally expressed in terms of the cost per visit. This cost varies within the departments of a clinic and is largely determined by the clinic's standards of service. The average cost per visit in out-patient clinics of higher standing now approaches one dollar and is approximately double that in clinics which pay their physicians.

In the traditional charity clinic the physician gave his services without financial remuneration and this is the case in many of the present day clinics. In return the physician derives some professional experience and prestige from his association with the clinic. This in important teaching clinics may be a very real form of compensation and has significance even in smaller clinics.

The large amount of time given without pay to clinic service is frequently offered as a defense for the high fees charged private patients. In recent years, and especially in cities, hospital and clinic work has made an increased and more systematic demand upon the time of the best known physicians and selected younger men, and it is possible that this is a valid argument. On the other hand, it may often be the case that the experience, the reputation among the laity and the professional prestige which enable physicians to charge the high fees mentioned are derived from these otherwise unremunerated hospital and clinical connections. Whatever the causal relationship, and there seem to be grounds for both types of argument, there can be little doubt that the growth of clinic service and the increase of rates charged to private patients have gone hand in hand. There is, however, a growing tendency to pay physicians for clinic service. This is particularly true of clinics established for public health service in which the experience has less professional value. It is extending also to clinics treating the sick, particularly the "pay" clinic, in which the term "pay" refers to the practise of charging a fee to the patient. It is thought, incidentally, that a patient will more probably carry out instructions when a fee is charged than when the treatment is free.

As clinics extend their medical scope and serve a larger proportion of the population, including those who can afford to pay moderate fees, it is essential that remuneration of physicians for clinic service should become more general and be in proportion to the services which they render and the benefits which they derive. Also, paying patients complain of clinic diagnosis by inexperienced and sometimes incompetent "externs," the waste of working time through long waits and ill arranged schedules and the mass methods of treatment. This dissatisfaction with the service at a non-profit pay clinic may lead the public to turn to private group clinics for specialist services or may result in a willingness to pay clinic fees high enough to allow reasonably high payments to physicians within the clinic.

The determination of patients' eligibility for clinic service has received much study. Many clinics have examined social-economic standards for the guidance of their admission departments. According to the American Hospital Association in a report of one of its committees, "three factors need to be considered with due consideration of local community conditions; namely, the income of the patient or family, the size and responsibilities of the family according to a reasonable standard of living, and the character and probable cost of adequate medical treatment for the disease or condition found." The best organized clinics do not reject a patient on economic grounds before these factors have been determined. In considering the living standard allowances should be made for the element of variation based on individual family standards. The widely varying cost of care for different illnesses is also a factor affecting the ability of patients to pay.

The subject of eligibility to clinic service has become more complex with the increasing tendency to adjust medical rates in private practise and in institutions to the patient's ability to pay and with the development of pay clinics. Some doctors complain that the clinic takes away their more profitable ambulatory practise but leaves to them the time consuming and less lucrative bedside practise. Protracted discussions and not infrequently controversies have arisen over the so-called "clinic abuse," by which has ordinarily been meant the application and acceptance at free clinics of patients who could afford to pay for the services of a private physician. Yet it has been pointed out that public protection requires adequate treatment of the diseased condition of a patient as a more primary need than ascertaining his ability to pay. In a committee report of the American Hospital Association in 1928 it was shown that only a very small number of patients accepted by many clinics which were studied could have paid for private services, the proportion being usually about 2 percent.

The improvement of service in clinics and greater public attention to the care of disease and the correction of physical defects as well as the increased costs of private treatment have caused an increasing number of self-supporting persons to seek clinic care, particularly at outpatient departments of teaching and other well known hospitals. Statistical evidence indicates that the great proportion of middle class patients come for treatment in the specialties or for conditions which are relatively expensive to diagnose and treat because of their duration or the large amount of laboratory and X-ray work required.

The relation of clinics to the organized medical profession is a problem as yet imperfectly worked out. Some clinics in this country and some of the health insurance clinics in Europe have been opposed by medical societies. These difficulties are in part due to misunderstandings which could have been removed by conference between those sponsoring the clinic and local representatives of the organized medical profession. Up to the present time in the United State clinic work has advanced chiefly in the specialties and the more expensive forms of diagnostic and curative service; a relatively small proportion of patients have come to clinics with conditions that would be treated by general medical practitioners. It is to the interest of public health that adequate medical service be available to all and that clinics be utilized to this end in so far as is necessary.

The mere existence of competition between clinic practise and private practise is not in itself inequitable. If clinics can provide general or special medical service of good standard at substantially lower cost to the public and include in this cost reasonable remuneration for the medical personnel, then clinics undoubtedly have a sound economic reason for development as a form of medical practise and not merely as medical charities.

MICHAEL M. DAVIS

See: MEDICINE; PUBLIC HEALTH; HEALTH EDUCATION; HOSPITALS AND SANITARIA; NURSING; LIFE EXTENSION; MORBIDITY; CHARITY; SOCIAL WORK.

Consult: For material up to 1924: Hospital Library and Service Bureau, Bibliography Service, *Bibliography on Dispensaries, Jan. 1, 1913 to July 1, 1924* (Chicago 1924). For more recent literature: Davis, M. M., *Clinics, Hospitals and Health Centers* (New York 1927); United Hospital Fund of New York, Committee on Dispensary Development, *Human Factors in Clinic Management*, by M. K. Taylor (New York 1927), and *Better Doctoring, Less Dependency*, by. L. S. Bryant (New York 1927), and *New Clinics for Old*, by M. M. Davis and A. M. Richardson (New York 1927), and *Medical Care for a Million People* (New York 1927), and *Health Services in Clinics*, by A. M. Richardson (New York 1927), and *Group Clinics, A Study of Organized Medical Practice*, by W. C. Klotz (New York 1927); Lewinski-Corwin, E. H., "Free and Pay Clinics," and Bigelow, L. L., "Clinics —Free and Pay" in *American Medical Association Bulletin*, vol. xxiii (1928) 173–83; Annual Reports of the Committee on Out-Patient Work of the American Hospital Association, in the *Transactions* of the Association, since 1915.

CLINTON, DE WITT (1769–1828), American political leader. Clinton entered political life as a Republican a short time after he had graduated from Columbia College in 1786 and, with the aid of family connections, rose rapidly to prominence. He served in the New York state legislature, in the United States Senate, from which he resigned to become mayor of New York City, as lieutenant governor and as governor of New York for several terms. His career was illuminated by an amazingly progressive social viewpoint and a remarkable capacity for leadership. He found time also to indulge numerous scientific and intellectual interests worthy of an eighteenth century savant.

In matters of politics—although he has been accused of being responsible for the introduction of the spoils system in New York—Clinton usually followed his convictions, irrespective of the loss of personal advantage. He was a vigorous opponent of the Tammany-Virginia wing of Republicanism and many of his views resembled those of his Federalist opponents.

Clinton was an ardent proponent of measures to ameliorate the condition of the poor and to safeguard public health. He advocated the abolition of slavery in New York, of imprisonment for debt, of the severe punishment for minor infractions of the law and of the political disabilities of Roman Catholics. Clinton was the first president of the successful New York Free School Society, which adopted the then highly regarded Lancasterian system of teaching. Holding liberal views on the questions of the education of women, Negroes, Indians and juvenile delinquents he urged the necessity of universal publicly supported education as a basis for democratic government and human progress. He gave a great impulse to free school development, the professional training of teachers, the broadening of curricula and the spread of vocational education.

From the beginning of his political career Clinton took an active interest in the development of internal improvements. His long fight for the construction of the Erie Canal, carried on in spite of the strenuous opposition and humiliating personal attacks of politicians in New York City and elsewhere, was the greatest achievement of his life. Clinton foresaw the value of the canal for the economic development of New York and the success immediately following its completion in 1825 demonstrated the truth of his views and encouraged other states to undertake internal improvements which marked the beginning of a new era in the economic expansion of the United States.

FELIX FLÜGEL

Consult: Renwick, J., *Life of De Witt Clinton* (New York 1840); Fitzpatrick, E. A., *The Educational Views and Influence of De Witt Clinton*, Columbia University, Teachers College, Contributions to Education no. xliv (New York 1911); McBain, H. L., *De Witt Clinton and the Origin of the Spoils System in New York*, Columbia University, Studies in History, Economics and Public Law, vol. xxviii, no. i (New York 1907); Fox, D. R., *The Decline of Aristocracy in the Politics of New York* (New York 1918); Bogart, E. L., *The Economic History of the United States* (3rd ed. New York 1915) p. 210–13.

CLIVE, ROBERT, LORD CLIVE (1725–74), British soldier and colonial administrator. The founder of the British Empire in India was born in Shropshire, where his family had held an estate since the twelfth century. At eighteen he was nominated to a writership (clerkship) in the service of the East India Company and arrived at Madras in 1744. After a few years he secured a commission and began active service in southern India, where the French and English were engaged in rival intrigues among the native rulers. He showed conspicuous daring and resource, and his bold and successful seizure of Arcot in 1751 had a resounding effect throughout India. In 1753 Clive was given a great welcome in England. On his return to India two years later he was at once called to Bengal. In 1757 he defeated at Plassey the nawab, Siraj-ud Dowla, who had captured the new British city of Calcutta and perpetrated the atrocity of the Black Hole, and thereby he made himself the virtual ruler of Bengal. It was in the plot against the nawab that Clive sponsored the forging of a treaty which betrayed his Bengali agent, Omichand. Clive's four-year governorship, during which he displayed a capacity for civil rule almost as great as his military genius, laid the foundation of British power in India. He was sent out to Bengal again in 1764 to end the rapacity and corruption into which the administration had fallen. In 1765 he obtained from the decadent emperor of Delhi a firman conferring upon the East India Company the revenues of Bengal, which gave the alien trading corporation complete authority over a great region. Clive's second governorship lasted only twenty-two months. The evidence is clear that although he became enormously wealthy in India he refrained, especially in his later years, from the more shocking practises of too many of his Anglo-Indian contemporaries. His Irish title did not debar him from the House of Commons and he sat there until the year of his death, fighting directly against an organized parliamentary attack upon his record. This did not end until 1773 with the report of the select committee that he had rendered "great and meritorious services" to his country. Clive engaged also in a long struggle with certain agents of the British East India Company whom he charged with being guilty of political incompetence. He early favored the extension of British sovereignty to the company possessions as well as the unification of the Indian administrative service. He died by his own hand, leaving behind him in British India a political system molded by his bold and energetic mind and method.

S. K. Ratcliffe

Consult: *Cambridge History of the British Empire*, vol. iv, *British India*, ed. by H. H. Dodwell (Cambridge, Eng. 1929); Forrest, G. W., *Life of Lord Clive*, 2 vols. (London 1918).

CLOOTS, JEAN BAPTISTE (Anacharsis Cloots) (1755–94), Prussian baron, publicist and agitator at Paris during the French Revolution. He was rich, well connected and seems to have suffered from none of the cruder maladjustments sometimes supposed to explain revolutionaries. Early an admirer of Voltaire, he left his Westphalian home as a young man and went to Paris to join the *philosophes*, among whom he attracted no great notice. He has a dramatic moment in history: on June 19, 1790, he appeared before the National Assembly as "ambassador of the human race" at the head of a delegation of real or make believe members of various races, white, yellow, red and black, to thank twenty-five million Frenchmen for awakening the whole world from slavery. As an influential speaker at the Jacobin Club and as a member of the Convention he played a real part in the political history of the revolution, especially in preaching the crusade to free other peoples, in overthrowing the Girondins and in furthering violent dechristianization. His activities aroused the fierce enmity of Robespierre and he was guillotined in 1794. Cloots' writings by virtue of their complete unoriginality are excellent examples of how the political thought of greater men penetrated to the crowd, of how revolutionary ideas became revolutionary stereotypes. For the subtle and venomous anticlericalism of Voltaire he substituted the bludgeoning intolerance of the Jacobin. The general will of Rousseau he saw realized in loyalty to the Mountain. Saint-Pierre's theoretical schemes for world peace he transformed into the paradoxical armed conquest of peace by enlightened France.

Crane Brinton

Consult: Stern, S., *Anacharsis Cloots* (Paris 1914), with bibliography of Cloots' writings; Baulig, H., "Anacharsis Cloots avant la révolution," "Anacharsis Cloots, journaliste et théoricien" and "Anacharsis Cloots, conventionnel" in *Révolution française*, vol. lxi (1901) 123–54, 311–55, 401–38.

CLOSED SHOP AND OPEN SHOP. A closed shop, as popularly understood in the United States, is a place of employment where none but union members may work. An open shop, according to its formal definition, is a place where workers are employed regardless of union affiliation and where unionists and non-unionists may work without discrimination. This formal definition is intended to imply a certain ethical superiority for the open shop over the closed shop, and employers who are opposed to labor unions attempt to press this advantage still further by spreading the use of the term "American Plan" as a synonym for open shop. It is to be noted that a place that is closed to union members, where none but non-unionists may work, is commonly called an open shop.

These names, however, are but battle cries in the conflict between employers and labor organizations over the problem of unionization. They serve to obscure the essential point of contention, which is whether the shops shall be union or non-union. Many unionists therefore have insisted, vainly, on the substitution of the designations "union shop" and "non-union shop." If terms of employment are fixed by mutual agreement between an organization of workers and their employers the places covered by such agreements are union shops. If workers are employed individually on terms which the employers stipulate then non-union shops are maintained. The difference between the two types of shops thus hinges on whether wages and other conditions of employment are fixed by collective bargaining or individual bargaining. This is the crux of the controversy between labor organizations and employers, which the ethical implications in the words open, closed and American tend to obscure.

Both union shops and non-union shops may be open, closed or preferential. A closed shop may exclude union labor or it may exclude non-union workers. A preferential union shop gives preference to union members, while a preferential non-union shop discriminates against union members in favor of those who are not members. An open shop may be operated under a collective contract with trade unions as well as by employers who refuse to deal with unions. In industries dominated by great corporations and in those where the majority of workers are unskilled or semi-skilled laborers or women, shops are operated most commonly on a non-union basis. In the smaller, more competitive industries and in those where skilled labor predominates, union shops are, except in the smaller cities, most common. The building trades and the printing trades in the larger cities, as well as newspaper printing offices throughout the country, are outstanding in maintaining closed union shops. In the metal trades employers' organizations have been most successful in keeping their shops closed and anti-union by means of central labor bureaus to which the names of active unionists are reported—in effect, a labor blacklist. Employers rarely admit that they close their shops to union members and usually espouse the open shop. But they mean thereby not union open shops such as prevail on the railroads but non-union open shops where members of labor organizations are permitted to work so long as they do not try to have the union represent them in negotiating terms of employment.

Trade unionists frankly defend the principle of the closed shop although in practise, because of the active opposition of employers and through considerations of expediency, they consent to open and preferential shops. Thus the United Mine Workers insist on closed shops in the bituminous fields, while in the anthracite districts the open shop was accepted until the agreement of 1930. Similarly the Molders' Union, which has a continuous history of almost forty years of collective agreements with Foundrymens' Associations, has found it expedient not to insist on the closed shop as a national policy, leaving local conditions to determine whether shops shall be open, closed or preferential. The railroad brotherhoods have never espoused the closed shop policy; and the Amalgamated Clothing Workers have open shop agreements in Rochester, preferential agreements in the Chicago market and closed shop agreements in New York City.

Methods of enforcing the union closed shop vary. In the bituminous coal fields the prevailing method is the check off, or deduction by the employer of union dues payable to the union. The use of this device by the union grew out of the traditional practise in the industry of employers deducting from workers' pay envelopes for equipment, company stores and rent, and was reinforced by inherent difficulties in the collection of dues and the maintenance of union standards. This method was adopted in the anthracite coal agreement of 1930. The "card" system, requiring due authorization from union officials for the hiring or continued employment of workers, the "button" system, by which union workers may identify those who are members in good standing, are other devices which shift back to the union some of the burden of keeping the shop closed. In other cases, where the discipline of the business agent or shop chairman is deemed sufficient to maintain the closed shop, no special device is required.

The issue of the closed shop is confined almost exclusively to the United States. In European industrial relations the union shop has been accepted more or less tacitly by employers and its tradition in workers' circles dates back to the period of the guilds. The closed union shop has not been so much stressed by European trade unions for many reasons. The higher degree of unionization, the fact that the working classes are more homogeneous in character and that opportunities for wage earners to move up in the economic scale are rare make it possible for them to depend far more on the class feeling of the workers to protect gains won by strikes and organization. In the United States, however, the presence of great numbers of immigrants, the relatively ample opportunities for workers to rise out of the ranks of labor, as well as other economic and social factors, made the development of such a feeling of class solidarity impossible. Threatened on the one hand by those who were willing to accept low wages and a long working day because they considered their position as wage earners only temporary, and on the other hand by new groups with lower standards of living, most American trade unions saw in the closed shop their only protection. Their policy, therefore, is not to be explained as a mere desire to force non-unionists to pay their share of costs and sacrifices involved in maintaining organizations and securing improved conditions.

The railroad brotherhoods had nothing to fear from immigrant competition; train crews could not be made up of foreigners. The nature of railroad administration, requiring as it does standardized schedules of wages, hours and rules of discipline which can be changed only by orders from a central office, also eliminated the possibility of lowering union standards by secret individual bargaining. Moreover, the hazardous nature of their occupation brought the men into the union rapidly in order to take advantage of insurance benefits. Amply protected by these conditions, the railroad organizations have been content with open union shops. The degree of insistence by unions on the closed union shop policy thus varies with their ability to make gains secure by other means.

There is a growing opinion on the part of the more far sighted American labor leaders that there must be a shift in discussion and policy from the issue of the closed shop to that of the union shop. Overemphasis on an inflexible closed shop policy has in some instances led to abuses in union management, has stiffened the opposition of employers to all union shops and has alienated influential sections of the public. In such a shift the problem of whether union standards shall be maintained through closed, preferential or open shops will depend upon the special circumstances of each situation.

William M. Leiserson

See: Trade Unions; Collective Bargaining; Trade Agreements; Business Agent; Blacklist, Labor; Employers' Associations.

Consult: Stockton, Frank T., *The Closed Shop in American Trade Unions*, Johns Hopkins University, Studies in Historical and Political Science, vol. xxix, no. 3 (Baltimore 1911); *Selected Articles on the Closed Shop*, compiled by L. T. Beman, the Handbook series (2nd ed. New York 1922); American Economic Association, *Proceedings*, 3rd ser., vol. vi, no. 1 (1905) 140–216; Catlin, W. B., *The Labor Problem in the United States and Great Britain* (New York 1926) p. 344–61; Groat, G. G., *An Introduction to the Study of Organized Labor in America* (2nd ed. New York 1926) chs. xvi–xvii; Douglas, P. H., Hitchcock, C. N., and Atkins, W. E., *The Worker in Modern Economic Society* (2nd ed. Chicago 1925) p. 601–12; Zimand, Savel, *The Open Shop Drive* (New York 1921); Commons, J. R., and Andrews, J. B., *Principles of Labor Legislation* (rev. ed. New York 1927) p. 98–193.

CLOSURE is the term applied in the British House of Commons to various devices for restricting debate. Like so many other English constitutional terms, such as cabinet and parliament, the word is of French extraction. On the continent the word *clôture* described the procedure of bringing debate to a close when members of a legislative assembly were still anxious to speak or unwilling that a vote be taken on the principal question. The word was anglicized when similar procedures were used in Great Britain and has been adopted in American procedure.

Although the progeny of the "Mother of Parliaments" found it necessary to restrict debate long before the British rules were formulated, the forms of closure which developed in the House of Commons are of special interest and importance. The lateness of the date (1881) at which the House of Commons acted on this question was due to several causes. The principal British parties differed on methods rather than on fundamentals. The members of the Commons were drawn in large part from the "governing classes," who looked upon parliamentary contests as a pleasant game to be played without undue intransigeance. Before the advent of the Irish members there were in the House of Commons few irreconcilables. The Commons escaped the phenomena of religious, racial or class parties whose obstructionist tactics on the continent had made various forms of closure inevitable. In the House of Commons, however, from 1875 on, Parnell and his Irish nationalist followers took every possible advantage of the rules of procedure. Long speeches, dilatory motions, points of order, questions of quorum and similar devices were developed to delay pending business. The motion giving precedence to the Protection of Person and Property (Ireland) Bill was fought for twenty-two hours in January, 1881. The introduction of the measure was opposed for four sittings, the last of which consumed forty-one hours. It was at the close of this sitting (February 2, 1881) that Speaker Brand intervened with his so-called "coup d'état" which introduced closure into the Commons. Brand refused to recognize any member for further debate and put the question. A crisis had arisen, he declared, "which demands the prompt interposition of the chair and of the House. The usual rules have proved powerless to insure orderly and effective debate. . . . The dignity, the credit and the authority of this House are seriously threatened and it is necessary that they should be vindicated. . . . Future measures for insuring orderly debate I must leave to the judgment of the House." The following day Gladstone moved an urgency rule which provided that if on motion of a minister the House resolved by a majority of three to one that the state of public business was urgent the whole power of the House to make rules should reside with the speaker until he should declare that the state of public business was no longer urgent or until the House so determined upon motion. The rule was adopted, but during the remainder of the session nearly two thousand points of order had to be decided by the speaker or chairman of committees. Disputes between the chair and members occupied one hundred and fifty hours of the time of the House.

At the next session more far reaching changes in the rules of procedure were made. They provided that when the speaker or the chairman of committees deemed it to be the evident sense of the House or of the committee that the question be put the presiding officer should so inform the House which would proceed to vote on a motion "that the question be now put." If supported by more than two hundred members or, if less than forty voted in the negative, by more than one hundred, debate would be closed. A discussion lasting through nineteen sittings was necessary before the change was effected. The rule, however, was not put into operation until February 20, 1885, and only once thereafter. In 1887, when the Conservatives were preparing to introduce the Irish Crimes Act, the rule was drastically amended. The right to propose closure was taken from the speaker and given to the individual members of the House, although the speaker could refuse to put the motion if he thought that there should be further discussion. This closure rule was made a standing order on March 18. The next year the majority necessary for the rule was reduced from two hundred to one hundred, the speaker retaining the power of refusing to put the motion if he thought it an infringement of the rights of the minority.

It soon became clear, however, that even more far reaching and at the same time more flexible devices to bring debate to a close were needed. Obstructionists could move amendments to every clause of a government bill. "Closure by compartments" (i.e. by sections and clauses) was therefore provided for, and this became known in common parlance as the "guillotine." A time table of days and hours for the discussion of sections of the bill in committee and on report is set up. At the times fixed the sections must be voted on without debate. Only the clauses of the bill and government amendments can be considered. The debate and votes on other amendments are automatically ended at the prescribed time. Governments, if they have a comfortable majority of the House of Commons, can always secure closure by compartments. In the early days, however, they were reluctant to do so until after considerable privileges had been given the minority. Thus the Irish Crimes Act of 1887 was debated for sixteen days and only clause six was reached. The remaining fourteen clauses of the measure were therefore put without discussion. The Home Rule Bill of 1893 was discussed for twenty-eight days and the Education Bill of 1902 for thirty-eight days before the guillotine was used.

Under the Liberal government of 1909 a new type of closure practise was introduced to meet the difficulty that, under the existing arrangement, important sections of a bill might go completely undiscussed and when inadequacies were discovered the government had to seek necessary amendments in the House of Lords. It was therefore decided to give the speaker or the chairman of Ways and Means authority to select amendments for discussion and to pass by those which he deemed of scant importance. Thus discussion could jump from one section of a bill to another as the presiding officer determined. Such a form of closure speedily became known as "kangaroo." In its original form it could be used only when specially moved, but in 1919 the standing orders of the House incorporated kangaroo as part of the ordinary procedure. Every one agrees that it is a considerable improvement over closure by compartments, which was resorted to only once during the war—the Military Service Bill of 1918—and only twice in the 1918–22 Parliament. Guillotine was used, however, on the Trade Disputes and Trade Unions Bill of 1927, the Unemployment Insurance Bill of 1927, the Rating and Valuation (Apportionment) Bill of 1928 and the Derating and Local Government Bill, 1928.

Closure in debates on supply is covered by a special order. Since 1896 discussion has been limited to twenty days, with the possible addition of three days upon motion of a minister. Closure rules in Committee of the Whole are the same as those of the House, the chairman of Ways and Means or the deputy chairman exercising the power of amendment selection. In Standing Committee the majority required for closure is twenty instead of one hundred and kangaroo cannot be used.

Continental closure devices vary in severity and manner of application. In some cases closure cannot be moved while there are still *orateurs inscrits* who remain to be heard; in others an extra five minutes is allowed on a speech, or a speech by a minister cannot be prevented, or a two thirds vote is necessary. The result is, however, that dilatory tactics and obstructionist manoeuvers—*Dauerreden* was the term used in Germany—cannot be long continued. In all probability anything resembling the prolonged German and Czech obstructionist activities in the Austrian parliament at the turn of the century will not be repeated.

"Filibuster," the word used to describe minority obstruction in the United States, is now carefully guarded against by the rules of the House of Representatives. In the early congresses minority members did not wish to offend the "sense of the House." Not until the Eleventh Congress was there any use of the previous question (discussed in Jefferson's *Manual*, Sec. 34) and from 1811 to 1828 it was called for only four times. In 1841 a rule was adopted providing that, except with unanimous consent, no representative could speak for longer than one hour. The most spectacular case of obstruction in the annals of the House had to be dealt with by a speaker's ruling rather than a closure motion. Parties were nearly equal in the House; the minority members refused to answer roll calls and the majority was thus unable to get a quorum. Speaker Reed finally put an end to this by the simple expedient of counting as present members whom he saw in the hall. A corporeal quorum, he ruled, constituted a parliamentary quorum.

It soon came about, however, that the most effective forms of closure in the House of Representatives were ad hoc. In other words, they were reported by the Committee on Rules for the consideration of particular bills. Most of the important and controversial business of the House of Representatives is now conducted, not under general rules but under special orders reported by the committee. The rules committee, indeed, has become the American counterpart of the British cabinet, controlling the time and dictating the decisions of the legislative body. There are, however, two important differences. The rules committee, though chosen and supported by the majority, is not a responsible leader securing its ends through a threat of resignation if its proposals are repudiated. In the second place, the committee frequently works by persuading the majority to accept, in advance, a self-denying ordinance depriving the House of the right to vote on anything except the enactment of a measure in the form proposed by the legislative committee. Guillotine and kangaroo in the House of Commons are by no means so extreme as this procedure in their operation.

How closure works in the House of Representatives is well illustrated by the procedure on the Tax Revision Law of 1921, which was substantially the procedure on the post-war tariff legislation. The 1921 rule provided that upon its adoption the House should go into Committee of the Whole House on the State of the Union for the consideration of the Tax Revision Law; that there should be two days of general debate equally divided between the chairman and the ranking minority member of the Committee on Ways and Means, terminating on August 18; that, thereafter, the bill should be considered for amendment under the five minute rule "but Committee amendments to any part of the bill shall be in order any time and shall take precedence of other amendments"; and that on August 20 at 3 P.M. the bill and amendments should be reported to the House "whereupon the previous question shall be considered as ordered on the bill and all amendments to final passage without intervening motion except one motion to recommit: that the vote on all amendments shall be taken in gross." This meant that, despite much discussion, when the hour fixed for a vote arrived the House had but a single opportunity to express an opinion on what should or should not go into the bill. The minority leader could single out only one disputed issue and get a record vote upon it. In short, such a form of closure—not to speak of passage of measures under suspension of rules after forty minutes of debate and with no opportunities for amendments—makes guillotine and kangaroo seem extremely mild.

Practically alone among modern legislative bodies the House of Lords and the American Senate are extremely reluctant to limit debate. The House of Lords, scantily attended and shorn of any real legislative power, is not a forum in which conflicting aspirations struggle for supremacy. The political battle is always much more of a sham than in the House of Commons. Not until 1926 was closure ever resorted to by the House of Lords. Then it was applied to check Labour opposition to the bitterly contested eight-hour bill. Subsequent criticism and discussion seem to indicate that a much more extraordinary emergency will be necessary to justify a second use.

Until 1917 the American Senate had no rules for limiting debate. The rule (XXII) now provides that, upon a motion signed by sixteen senators, the presiding officer shall, without debate, on the following calendar day but one submit to the Senate the question, "Is it the sense of the Senate that the debate shall be brought to a close?" If a two thirds majority is secured the pending measure remains unfinished business. No senator is thereafter entitled to speak more than one hour and no dilatory motion or amendments are in order. The rule was invoked for the first time in November, 1919, when, after several months of discussion, the debate on the Treaty of Versailles was brought to a close. The rule has been used several times since then and its use has been occasionally threatened, but it remains an emergency and not a normal method of procedure. The same result is usually reached in the Senate by a unanimous consent agreement that on particular legislation a time table be adhered to.

In short all legislative assemblies have the problem of attempting to reconcile two irreconcilable conditions: certainty of business and liberty of discussion. A minority which successfully obstructs may in effect defeat. Hence the development of various forms of closure, whose justification can be determined only with reference to the general framework of government in which the particular assembly functions. The House of Lords needs no closure to bring debate to a close. In the American Senate occasional filibusters are preferable to even moderate gagging, for the peculiar position of this body makes closure undesirable. In most other assemblies, however, the problem is to insure adequate discussion and to permit adherence to a legislative time table.

LINDSAY ROGERS

See: PROCEDURE, PARLIAMENTARY; DEBATE, PARLIAMENTARY; OBSTRUCTION, PARLIAMENTARY; LEGISLATIVE ASSEMBLIES; CONGRESSIONAL GOVERNMENT; CABINET GOVERNMENT; COMMITTEES, LEGISLATIVE; LEGISLATION.

Consult: Redlich, Josef, *Recht und Technik des englischen Parlamentarismus* (Leipsic 1905), tr. by A. E. Steinthal as *The Procedure of the House of Commons*, 3 vols. (London 1908) vol. i, p. 133–212; Pierre, Eugène, *Traité de droit politique électoral et parlementaire* (Paris 1919) sects. 918–19, and *Supplément* (1926); Marmorek, Schiller, *L'obstruction au parlement autrichien* (Paris 1908); Alexander, D. A. S., *History and Procedure of the House of Representatives* (Boston 1916) ch. x; Luce, Robert, *Legislative Procedure* (Boston 1922); Rogers, Lindsay, *The American Senate* (New York 1926).

CLOTHES. *See* DRESS.

CLOTHING INDUSTRY. *See* GARMENT INDUSTRIES.

CLUBS. As a form of voluntary association a club is clearly distinguished from all those major associations—the state, the church, the family—in which membership is practically obligatory and which have been considered basic for the continuance of society. It may be defined narrowly, so as to include only the clubs of Pall Mall and their imitators, or so broadly as to include almost all forms of voluntary association. If, however, we adopt a classification of voluntary associations into occupational, religious, cultural and recreational associations, clubs will be found to fall, at least in modern times, mainly in the last two categories. Perhaps their distinguishing mark, as contrasted with other voluntary associations, is that they are concerned with leisure activities. Whether the interests that they are formed to foster are social, literary, artistic or athletic, their demarcation from such associations as learned societies, joint stock companies, trade unions and political parties is fairly clear.

In primitive communities the dominance of ceremony and ritual in all phases of life makes clubs and secret societies common, and the age groups and systems of consanguinity often furnish a convenient nucleus for them. These clubs and societies are associated with religious and leisure activities and sometimes even perform political or military functions. But they differ sharply from modern clubs because of the entirely different nature of their social setting. Generated by impulses toward ceremony and secrecy and sanctioned by a mass of traditions, they lack the comparatively unregulated and ad hoc character of modern clubs.

Although we can find no duplicate of Brooks's in the history of Greece and Rome we find numerous groups which give play to the same desires and ambitions that animate the English clubman. The Doric *συσσίτια* were really eating clubs. The *ἑταιρεῖαι* of Athens were clubs of young men, originally meant to provide pleasant meals and good company, but later becoming involved in politics on the oligarchical side. These hetaeries eventually became full fledged political clubs, instrumental in swaying the deliberations of the assembly and the outcome of elections and active in manipulating the machinery of justice in lawsuits; but, as with most political clubs, their social activities continued. The religious associations, organized to maintain and administer the cults of foreign deities, also constituted a striking feature of Greek life, and with the growing cosmopolitanism of the Hellenistic period their number increased. But by the nature of their purposes they seem to fall rather with the shamanistic societies of the American Indians and the Melanesians than with our modern concept of a club.

The fact that the Roman *collegium* is generally translated "guild" should not obscure its real nature as a club. The groups of artisans which composed these clubs, although banded together primarily to protect the economic interests of the craft, also provided banquets, honorific titles and burial benefits and in general served social rather than economic ends. The *collegia* spread like a network over the whole of the empire; in the large and sprawling Roman world they satisfied the need, especially of the poor, for a compact companionship during life and secure burial after death. The *sodalitas*, associated with the maintenance of cults, was probably a social gathering originally, with feasting at least as important as the religious rites which united it to a simpler past. By Cicero's time, however, the *sodalicia* were as completely and almost as effectively political clubs as Tammany Hall. The great Roman baths with their conversation halls, lecture rooms and even libraries were obviously clubs in all save exclusiveness.

Amidst the large number of autonomous associations that grew up in the complex social life of the Middle Ages there were many forms that were virtually clubs. The guilds, which up to the eleventh and twelfth centuries were primarily leisure associations, obtained an importance in the lives of the middle class (the freemen) greater even than in the time of the Roman Empire. Even when the guilds became primarily economic they still did much to foster drama, music and education; they offered a social life for both sexes and for old and young. The universities before they became endowed institutions were student societies. Religious fraternities were built up around the shrines of the saints to which pilgrims came seeking indulgences, and out of these developed later provident, burial and intercessional associations. Nor is it a remote analogy that sees in much of chivalry, with its orders of knighthood, its oaths and ceremony, its courts of love, the psychological equivalent of certain modern associations.

With the humanistic revival learning became one of the important interests around which clubs were formed and learned academies sprang up. In the seventeenth century in Germany *Sprachgesellschaften* did much to crystallize the vernacular. The rise of modern science in the same century brought in its wake numerous societies of natural philosophy which were chiefly discussion clubs. The modern club in the narrow sense of the word, however, had its typical development in England. Hoccleve's Court of Good Company serves as the starting point for most histories of English clubs. English history since Elizabethan times is full of the names of famous clubs—the Apollo, the Rota, the Kit-Cat, White's, Brooks's, the Carlton. Eighteenth century France had more of these associations than theorists would believe compatible with absolute monarchy—local academies, drinking and feasting clubs, agricultural societies, *chambres littéraires*; in the last named conversation, cards and politics made a combination almost orthodoxly Anglo-Saxon. The revolutionary clubs, whatever their origin, fused interests so immediately concerned with political change that they became at times coterminous with the government and made world history.

Behind all these eighteenth century clubs we may discern forces which were fashioning a society where classes were taking on new alignments, thought was mobile and innovation was becoming a matter of course. A new world was emerging as a result of the geographical discoveries and the mechanical inventions. A new class, the middle class, was coming to power, and its members were preparing themselves for their mastery of the new world by extending their interests in every direction or were consolidating the advance they had already made by banding together to give one another comfort and congeniality.

The most amazing proliferation of clubs was left to the nineteenth and twentieth centuries. One large category of them was organized for reform purposes of every variety. The regime of feudal aristocracy had left behind institutions which were anachronistic in a middle class society, and the industrial revolution was engendering new iniquities. To combat both, zealous groups of men and women organized themselves into clubs, threw all their energies into their common cause and often evolved the most efficient techniques of propaganda and administration. Abolition and revolution, corn laws and parliamentary representation, civil service, municipal politics and silver standard, temperance and women's suffrage, come readily to mind as foci of interest. Between these and the thousand and one organizations which have stirred public amusement by their insistence on their crotchety purposes the line is often hard to draw; what seems at first an eccentric whim becomes with the widening of humanitarian sentiment a condition of social order.

Another large category of clubs centered about the enlarged interests of groups such as women, working men and children, of whose importance and capacities society was growing more aware. Of these the most significant single development has been the growth of women's clubs, made possible by the economic revolution in the home and the new social status of women. These clubs have directed what might otherwise have been fugitive energies into channels of education and public affairs. Youth too has become more aware of the possible impact of its intensity on the temper of affairs; and while the numerous fraternities and sororities are primarily for social distinction and in the tradition of secrecy, the organizations comprised under the somewhat flexible category of the youth movements indicate a new trend of the development in clubs. Germany particularly, where for a long time music and conviviality thrived under forms of club organization, has, especially since the revolution, turned this organizing propensity in the direction of cultural and physical development. Russia under the Soviet regime has extensively adopted the club form of organization for all sorts of groups with the purpose of mobilizing social energies for the new order. Perhaps the most extraordinary recent development of all has been the formation of sports clubs among all races and in all climates.

Clubs have apparently always helped to satisfy the desire, common at least among western peoples, to run things. They have provided offices and titles, committees, debates, resolutions, oaths, secrecy. Where their aims have not run counter to those of the government they have often played the part of safety valves and have given the common man an importance he would not otherwise have had. In large modern societies they have helped to satisfy human gregariousness. They may perhaps be regarded as taking the place of those extensions of the family, such as the clan and the brotherhood, which have disappeared from advanced societies. Finally, they give an obvious scope to minorities. Underdogs united are often well on the way toward ceasing to be underdogs.

Many social clubs are constantly tending to become something else: political clubs, economic organizations, even religious bodies. The hetaeries and the *sodalicia* became political bodies. Harrington's Rota was full of politics from the start. But White's, originally a coffeehouse run by an Italian named Bianco, became a gambling club and was turned into a Tory club by Pitt. The Jacobin clubs in most provincial centers grew from *chambres littéraires*, masonic lodges, mesmeric societies and such social groups and became during the Terror a religious sect. The Ku Klux Klan, in its origins merely a device to cow the Negroes, suffered a twentieth century revival as a body with unlimited political ambitions. Freemasonry, especially in the Catholic countries of Europe, has a definite political connotation.

The extent to which clubs reflect the larger society of which they are a part is difficult to determine. Their organization is usually modeled on that of the state. The Roman burial clubs and guilds had as officers quaestors, praetors, aediles and so on and met and voted as assemblies. The American club has its president, vice president and secretaries, its constitution and by-laws. A little club at Toulouse in 1789 was presided over by the eldest member, called the *père patriote*, a curious reflection of the position of the *père de famille* in old France. Nevertheless, one cannot say, "like state, like club." The view that certain politically gifted peoples such as the Romans and Anglo-Saxons freely permitted rich association life while less gifted peoples did not is somewhat old fashioned. Fifth century Athens, eighteenth century France and almost any country today sufficiently controvert it. Nor can we definitely associate certain kinds of clubs with certain kinds of government. The stock despotism of the political theorist has of course no room for clubs. But most attempts at absolute government have evoked secret societies, like the Carbonari, in opposition. In democratic Athens the clubs had an oligarchic tinge. In Rome the clubs were used by the republicans to oppose the triumvirs. Although the great London clubs have set a characteristic tone, this has not prevented what must seem—save perhaps to a London clubman—their successful imitation in such different cities as New York, Paris and Berlin. It might appear that the federal form of organization, common to many American clubs, such as the service clubs, was a natural reflection of the federal state. Yet the famous Jacobin network was federal in origin, not by any means imposed from Paris, and nothing could be more genuinely federal, in the sense of a jealous reservation of local characteristics, than many present day federations of sports clubs in centralized France.

Of fashion at a given moment clubs are a surer reflection. For the history of the important part of human life summed up under the word fashion there are no better sources than the Athenian symposium, the Roman baths, the French salon, the English club, the American woman's club. Indeed, in one form or another the social club is perennial. Clubs have also helped to set the fashion in literature and the arts. The Mermaid Tavern group, "The" Club, the Cénacle, the Athenaeum and many others can hardly be omitted from literary history. The influence of clubs in literature, however, is not constant. "The" Club was a main factor in English letters of the later eighteenth century, but the romanticists of the next generation eschewed clubs. And if clubs often set the fashion they tend equally to become fashionable. Often membership in a woman's club is a result not so much of genuine interest as of social necessity. And for many in political life the political club, the chamber of commerce and the fraternal society represent each a nexus whose maintenance is a matter of prudent generalship in the struggle for votes.

The amazing variety of clubs in modern societies sets still other problems. Do clubs buttress class distinctions and attempt to fix standards? It is true that any club which brings its members together in their hours of ease to eat, drink, talk, play, will have them conform to common social habits; and it is true that groups, as such, resist change. Yet it may be doubted whether clubs in modern societies seriously add to class hostilities. In the first place, what Pareto calls the circulation of élites works particularly through clubs. Even Pall Mall has always maintained an alliance with the City and admitted those who have made commercial successes. The self-made man finds club life one of the best ways of entry into the ruling classes. Again, the diversity of clubs may serve to dissipate rather than to concentrate class feeling, especially such simple class feeling as that between rich and poor. Finally, many if not most modern political clubs were originally minority groups devoted to some great cause. Their composition cuts completely across class lines, for their cause is rarely a purely economic one. Jacobin clubs, abolition societies, the Anti-Saloon League, have numbered rich and poor alike among their members.

What is the true place of clubs in the modern state? Guild socialists may almost be said to plan a state composed of independent clubs, and the pluralists are generally favorable to these as to other groups within the state. In the past governments have generally attempted to encourage clubs favorable to themselves and to suppress clubs considered hostile or subversive, a policy not unknown even today. The simple solution, that of allowing complete freedom of association, is hardly acceptable, save to the philosophical anarchist. For the most harmless clubs have a way of acquiring a program of trying to get something done, a process which means today influencing or even controlling the government. Clubs are the natural instrument for a form of tyranny perhaps peculiar to modern democracies, the tyranny of altruistic minorities. Governments may be justified in suppressing or restricting such clubs. It must be admitted, however, that a mechanism for so selective a repression is yet to be found.

Crane Brinton

See: Association; Voluntary Associations; Group; Clubs, Political; Learned Societies; Secret Societies; Guilds; Workingmen's Clubs; Civic Organizations; Women's Organizations; Boys' and Girls' Clubs; Youth Movements; Agricultural Societies; Farmers' Organizations; Fraternal Orders; Free Masons; Cults; Ceremony; Leisure; Recreation; Amusements, Public; Salon; Fashion; Sports; Reformism; Middle Class; Propaganda; Revolution; Freedom of Association; Pluralism.

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CLUBS, POLITICAL. The political club is perhaps best distinguished from other types of political associations by its possession of quarters available for social use by its members. It is less readily distinguishable from the general social club because the very idea of a club implies social activity and any club may on occasion acquire a political significance. Perhaps it is enough to classify as political those clubs in which social or recreational features are more or less subordinated to the political interests of the membership. Even this definition tends to exclude some of the more prominent national political clubs in the United States, but this may be merely another way of saying that these clubs are of slight political significance.

The club is older than its clubhouse, the place of the latter having long been supplied by the tavern or the coffeehouse. The ancient guilds and the early masonic lodges were true clubs and many possessed local political importance. But the real prototype of the political club was Shaftesbury's Green Ribbon Club which flourished in the time of Charles II. This developed all the technique of leadership of the London mob and it played an active role in the Rye House and Popish plots and numerous political currents of the day. It may be credited with the earliest systematized "whispering" campaigns, and in the election of 1679 it functioned as a campaign headquarters. In many ways it anticipated the methods of the clubs of the French revolutionary era. Of the same era was the Rota (1659), or Coffee Club as Pepys calls it. The English coffeehouses generated clubs spontaneously. White's and Brooks's, which still survive, illustrate the evolution. The former was opened as a coffee or chocolate house just before 1700, the latter about 1764. As Tories became more numerous at White's and Whigs at Brooks's they developed into political clubs—genuine party centers. In the last half century the social features have overshadowed the political and these clubs, without losing a party tone, have been less important politically.

Political clubs were unimportant in France before the revolution, but with the turbulence that attended that upheaval a group of important clubs sprang into being. The most famous was the Jacobin Club, so called from the monastery which became its headquarters. This group had originally been the Breton Club, but with the revolution its members styled themselves "Les Amis de la Constitution," which they later amended to "Les Amis de la Liberté et l'Égalité." This was Robespierre's organization and had chapters widely scattered in the departments. The Cordeliers' Club, numbering among its members Danton, Marat and Desmoulins, had more influence in Paris, however, and was more outspokenly radical. The moderates too had their clubs, particularly the Club of 1789 (also known as the Fayettists) and the Feuillants' Club, which had fewer members but wider influence. Even the royalists organized a club of their own—the Monarchical Club. With the passing of the revolutionary turmoil the clubs either went out of existence or continued with less political emphasis. These clubs were all essentially political parties.

The last quarter of the eighteenth century saw the growth of Whig clubs, and as the menace of the French Revolution became clear Pitt clubs were organized in all of the principal cities of England and Scotland. After the post-revolutionary reaction the renewed attack on the old order led the Tories with Wellington at their head to establish the Carlton Club in 1831. Five years later the Liberals countered with the Reform Club, which in a decade largely replaced Brooks's in the party councils. The Liberals also have among others the Manchester Reform Club (1871) and in London the Eighty Club (1880) and the more recent National Liberal Club. The Carlton remains the center of Conservative activity. There is a democratic atmosphere about the English political clubs which sets them off sharply from the English social clubs. The carefully preserved absence of haste which the English cherish gives these clubs a leisurely character that their American counterparts have never attained.

Persecution has always been an important stimulus to the formation of political clubs. There is a type which thrives only under oppression and languishes as soon as that is relaxed. The Dutch and Huguenot clubs of the early sixteenth century, the numerous clubs of all political complexions, but particularly the Puritans and Levellers, of seventeenth century England and all revolutionary clubs throughout their history from that day to this illustrate this tendency. In some cases clubs ostensibly non-political have had political aspects. Thus the Bohemian branches of the Sokol, a Slavic athletic and gymnastic organization, were rallying points for Czech nationalists before the war.

If politics were a matter of discussion the club would be an ideal instrument of political action. But modern politics is largely a matter of organization and discipline; it requires businesslike efficiency and active work among the voters. A clubhouse is a rather expensive type of headquarters and not well adapted to the making of contacts with the whole range of society. The modern French *cercles* and the German *Vereine* which belong to the discussion type, while highly significant in relation to political opinion, are organically negligible apart from the parties with which they affiliate. Before the war there existed throughout Germany among voters of the third class a type of ward club (*Kommunal Wahlbezirksverein*) which took an active part in nominations for local office. These tended to follow national party cleavages, particularly in the larger cities, and devoted much time to the study of municipal problems.

Political clubs in America can probably be traced to the Sons of Liberty (about 1735) and the Tammany Society of New York City (1786). By 1800 branches of the latter society existed in Rhode Island, Pennsylvania and most of the southern states. The same period saw dozens of Jacobin clubs spring up in various parts of the country. With the victory of Jefferson the latter organizations subsided, but the Tammany societies survived into the second decade of the nineteenth century. The New York Tammany Society has had a continuous history in the politics of New York City and state from its inception down to the present day. Three of its leaders, Martin van Buren, Horatio Seymour and Alfred E. Smith, were candidates for the presidency. In 1868 the Democratic National Convention was held in its Fourteenth Street clubhouse. Of enduring importance are the Union League clubs, which still thrive in varying degrees in the larger cities of the North and West. The parent clubs were founded in Philadelphia in 1862 and in New York in 1863, the latter in order "to discountenance and rebuke, by moral and social influences, all disloyalty to the Federal Government." After the Civil War it added a resolve "to resist and expose corruption, and promote reform in our national, state and municipal affairs." The Democrats of New York City promptly countered by forming the Manhattan Club (1865). Several of the party's candidates for the presidency during the next half century, including President Cleveland, were members of this club, and many national leaders continue on its roster. It could hardly be said today that any of the Union League clubs, or the Manhattan Club, or even the National Republican or National Democratic clubs, play any important role in the affairs of their respective parties. It is noteworthy that there are no great party clubs in the city of Washington, so that the New York City Democratic Club in 1906 and the New York Republican Club in 1917 called themselves the national clubs of their parties.

The American ward club is a rather different thing from those thus far described. The politics with which it has concerned itself has not been the politics of issues of state but rather the distribution of patronage. American politics is more highly organized than politics in the countries of Europe; particularly in large cities it is dominated by compact and well disciplined organizations. The unit of control is the ward. Within this the nuclei of political life are the clubs. The organization may be named after the founder who once dominated it and may still be doing so, as in the case of the Edward J. Ahearn Association or the Patrick H. McCarren Democratic Club, or it may bear a name of historical or geographical significance only. The dues are low enough to permit anyone to belong—usually about two dollars a year and rarely more than fifty cents a month. The membership ranges from three or four hundred to as many as a thousand. Much of this membership is nominal; business men and others in the neighborhood, since they may some day need a favor of the club, deem it a good policy to pay dues. The clubhouse is usually a three or four-story house originally intended as a family residence. In some sections of the city where real estate is too expensive the organization may have to content itself with two or three floors above a store. The appointments are frugal—a general room with chairs that can be folded and put aside to permit dancing, a pool room, a card room or two and spittoons everywhere. This simple equipment suffices even for the most powerful of such organizations. In addition to monthly "affairs" held at the clubhouse there are two "balls" each year held in some public hall—one between Election Day and Christmas and one between New Year's Day and the beginning of Lent. There is also a summer outing or clambake at some popular picnic center.

The membership is drawn from the neighborhood. The great majority of active members and habitués are civil servants or aspirants for public jobs. They "run" the club and in their hands it becomes a powerful instrument for the control of nominations to local offices. An aspirant to the mayoralty or governorship who did not have the support of these organizations would make little headway against one who did. In the well oiled urban political machine, such as the Tammany organization in New York City and the Vare organization in Philadelphia, there is a "regular" or centrally approved club in each ward. Elsewhere local politics within each party is a conflict between the various ward clubs ceasing only when a city leader or "boss" emerges. Even in the cities named there is always a miscellany of minor clubs, such as the 19th Assembly District Porto Rican Democratic Association or the John Scavani Association. When an aspirant for leadership in a dominant club finds his ambitions thwarted he usually swarms his followers and moves off to form a new hive.

One recent tendency may be worth noting. The bar was once the very center of life in these clubs. With prohibition this has been largely suppressed, though a few New York and Chicago clubs and a somewhat larger number in Philadelphia have a "speakeasy" department. Women's suffrage has also added to the respectability of the clubs. In some places, however, the inner group, while maintaining the clubhouse for formal and routine business, has moved out to a nearby speakeasy or gambling house for the transaction of its affairs.

These ward and district clubs have been entrenched in power virtually since the Civil War. The few occasions when the self-styled "better elements" have captured control of particular cities have always resulted from conflicts of rival clubs within the party organization. It was in recognition of this power that the Reform Club, organized in 1888 by a group of citizens in New York City particularly interested in tariff revision, turned its attention to civil service and electoral reforms. This and the City Club, founded in 1892, were attempts to meet the machine cohorts on their own ground. The sponsors of the City Club hoped to establish local units in every ward of the city. A few of these were actually opened but soon foundered, and the City Club persists today as a variant of the Voters' League type of civic organization. City clubs now exist in over a dozen American cities and almost as many flourishing women's city clubs have since been established. This type of organization has achieved a stable place in reform politics.

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See: CLUBS; ASSOCIATION; VOLUNTARY ASSOCIATIONS; SECRET SOCIETIES; DISCUSSION; CONSPIRACY; REFORMISM; SALON; FRENCH REVOLUTION; POLITICS; MACHINE, POLITICAL; CAMPAIGN, POLITICAL; SPOILS SYSTEM; PARTIES, POLITICAL; MUNICIPAL GOVERNMENT; CIVIC ORGANIZATIONS; WOMEN'S ORGANIZATIONS; FREEDOM OF ASSOCIATION.

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CLUNET, ÉDOUARD (1845–1922), French international jurist. In 1873 he founded the *Journal du droit international privé*, more commonly referred to as "Clunet," and still current as the *Journal du droit international*. He was among the first in Europe to realize the immense practical importance which judicial relations resulting from the growing development of international commerce were eventually to acquire. Moreover he felt it necessary to provide the practising lawyer with a working tool hitherto lacking, and accordingly undertook in his *Journal* to collect with care and to classify methodically all the legal facts which constitute the thread of international life—treaties, statutes, judicial decisions, of the principal countries of the world. At the same time Clunet opened his review freely to the doctrines of French and foreign theorists. Most of the new conceptions and recent developments in the modern conflict of laws have been discussed in the *Journal*, which still remains one of the best reviews of international law and the most important agent in Europe for harmonizing the practise of courts with the achievements of theory.

Joseph H. Beale
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Consult: Lapradelle, A. de, "Un homme, une oeuvre: Édouard Clunet" in *Revue de droit international privé*, vol. xviii (1922–23) 1–8; Society of Comparative Legislation, *Journal*, n.s., vol. xvi, pt. ii (1916) 97–101.

CLUNIAC MOVEMENT. The Cluniac movement, emanating from the abbey of Cluny during the tenth, eleventh and twelfth centuries, had as its object the restoration of the religious life of monasteries throughout Europe. At the beginning of the tenth century monastic life was almost universally characterized by a complete relaxation of discipline, a virtual abnegation of the Benedictine Rule. Foremost among the causes responsible for this condition was the fact that control of most monasteries had passed into the hands of feudal lords or princes, who administered them directly or indirectly like any other benefices and exploited their offices and revenues. The need of a new impulse to monastic virtue was met by the establishment of the monastery of Cluny. The original charter of Cluny was granted in 910 by William, duke of Aquitania and count of Auvergne, who located the abbey in the valley of the Grosne in Burgundy and placed it under the immediate jurisdiction of the Holy See, exempting it from all other jurisdiction both ecclesiastical and secular. The papacy perceived the importance of William's offer and by a charter issued in 931 granted the monastery its special protection. Thus from the beginning Cluny was potentially the nucleus of an international institution.

The crystallization and uninterrupted spread of the Cluniac reform was favored by the fact that during two centuries the monastery came under the domination of only six abbots, each one of whom had been reared in the tradition of Cluny and had been imbued with its doctrines. In substance the Cluniac rule was a reiteration of the monastic customs instituted by St. Benedict, with the difference that Benedict's requirement of manual labor was discarded and more time allotted to prayer and devotional exercises. This rule, first well established in Cluny, began to be extended to other monasteries during the regime of the second abbot of Cluny, Odo (926–42), who has been characterized by the historian Flotard as the "savior of French monasticism." By the time of Odo's death Cluniac customs had been widely adopted in France and Italy and under his successors, St. Aymard (942–65), St. Maieul (965–94) and St. Odilo (994–1048), they spread into Belgium, Spain, southern Germany and even into Poland. This reform represented much more than an extension of Cluniac practises; it marked the evolution of an international congregation of monasteries acknowledging in greater or less degree the sovereignty of Cluny. Of the older institutions which submitted to the reform some were converted into chapters of Cluny and othere were reduced to the rank of priories subject to the immediate jurisdiction of Cluny. A group of about twenty important abbeys, boasting an ancient glory, were allowed to retain their independence and became merely "affiliated" with Cluny, which signified that the abbot of Cluny was consulted in the election of their officers and that they promised to uphold, in so far as they could, the fundamental article of the Cluniac program—freedom from secular authority. In addition new monasteries were founded in great numbers by the representatives whom the mother abbey dispatched to every corner of Europe. In some cases the feudal lords were induced to recognize the political immunity of monasteries within their territories; but with or without such recognition Cluny acknowledged no sovereign for itself or any of its dependents except its own abbot and the pope. "Cluny is an army," said Adalbero, bishop of Laon, "marching under the orders of Odilo, an army more numerous than the leaves of the Asiatic trees or the grains of sand along the shores of Africa." The animosity hidden beneath Adalbero's satire reflected the attitude of all members of the secular clergy, who saw their own prestige in the church weakening as the influence of Cluny progressed. Their rancor was hardly appeased when shortly after the succession of St. Hugh as abbot in 1049 Pope Leo IX began to regard him as his chief collaborator in a campaign for general ecclesiastical reform.

The campaign which Leo IX, Gregory VII and in lesser degree other popes of the eleventh century envisaged was essentially an outgrowth of the Cluniac movement. The success of Cluny in extruding the influence of the laity from the monastic sphere encouraged the papacy to attempt a similar reform among the secular clergy. The investiture contest waged with the empire, the battle against simony, the struggle to enforce the celibacy of the priesthood, were varying aspects of this attempt. The popes drew heavily upon the support of St. Hugh and his "army" of monks; in the congregation of Hirsau, which was affiliated with Cluny, German bishops who favored the claims of Henry IV against Hildebrand found their most intense and formidable opposition. Moreover, in demonstrating the close relation between clerical independence and the moral and spiritual integrity of the church the Cluniac reform had gone far toward preparing the Christian world to countenance the political demand of the popes. The Cluniac abbots themselves never formulated a definite antifeudal program, except in regard to their own congregation, and entered into the papal struggle only as the "obedient and courageous defenders of the Holy See"—a phrase used by Hildebrand in 1087. But the mere fact that a large portion of Christianity had taken Cluniac life as a symbol of protest against the abuses of the feudal system made the order an enormous power in the papal war against those abuses.

The monks of Cluny were also the chief supporters of the church in the propagation of the idea of peace. Hardly less than the church itself Cluny was an international institution transcending the boundaries of fiefs and nations and unconsciously leveling antagonisms between them. The Peace of God, which aimed to protect the property of ecclesiastics and Christian non-combatants against the ravages of war, and the Truce of God, forbidding members of the church to participate in war on prescribed days, accorded well with the religious ideals of Cluny; and from the moment of their promulgation its monks did their utmost to popularize and enforce them. It was through the influence of Odilo that the Truce of God was extended in the middle of the eleventh century to include the period between Wednesday evening and Monday morning of each week. The pacifistic efforts of the Cluniacs were successful not only in France and Italy but also in Germany. At the end of the eleventh century they persuaded even the imperial court to respect the Peace of God. In the following century they engaged in a veritable campaign of peace education beyond the Rhine, attempting to propagate the idea of chivalry through the dissemination of translations of the *Chanson de Roland*.

In the course of this peace movement the Cluniacs evolved a distinction, which the church accepted, between "right" and "wrong" war. War to the detriment of Christians was "wrong"; war against the infidel was in the highest degree "right." Confident in the justice of this distinction the Cluniacs supported the crusades and the military orders which were founded to annihilate the infidel or to save Christians from his power as fervently as they supported the Truce of God in Christian Europe. When Alphonse VI, king of Castille, expressed his intention to abdicate and enter a monastery he was informed by the abbot of Cluny that his first duty was to free Spain from Islam. During the latter half of the eleventh century the Cluniacs themselves dispatched several armed expeditions beyond the Pyrenees to aid in the battle against the Moors. The crusades were first launched by a former prior of Cluny, Pope Urban II, who after his elevation to the pontificate remained in close communication with his old monastery. Perhaps the chief intangible resource of Urban and of his successors who conducted the war against the infidel was the spirit of Christian unity which had been revived by Cluny and which caused the faithful of so many different lands to band together in the pursuit of a common ideal.

The Cluniacs were far too busily occupied to participate in the theological speculations of the time. But a summary of their social importance would be incomplete without stating that their economic organization enabled them to care for seventeen thousand victims during a year of famine; that their copying of ancient manuscripts was a connecting link between antiquity and the Renaissance; and, finally, that their architecture, the most splendid monument of which was the basilica of St. Peter at Cluny, became a model throughout Europe.

In the twelfth century signs of decadence began to appear in Cluny. Peter the Venerable, abbot from 1122 to 1156, struggled bravely against them, but by the middle of the century it was St. Bernard and the Cistercians who represented the idea of reform in the church. A hundred years later the king of France was given a voice in appointing the abbot of Cluny, and Cluny's glory was a thing of the past.

GEORGES GOYAU

See: CHRISTIANITY; RELIGIOUS INSTITUTIONS; RELIGIOUS ORDERS; MONASTICISM; PAPACY; FEUDALISM; CRUSADES; TRUCE OF GOD; DOMINICANS; FRANCISCANS.

Consult: Champly, L. H., *Histoire de Cluny* (2nd ed. Paris 1930); Sackur, E., *Die Cluniacenser in ihrer kirchlichen und allgemeingeschichtlichen Wirksamkeit bis zur Mitte des elften Jahrhundert*, 2 vols. (Halle 1892–94); Berlière, Dom Ursmer, *L'ordre monastique des origines au douzième siècle* (3rd ed. Paris 1924) chs. iv–v, containing bibliography; Smith, L. M., *The Early History of the Monastery of Cluny* (Oxford 1920); Heimbucher, Max, *Die Orden und Kongregationen der katholischen Kirche*, 3 vols. (2nd ed. Paderborn 1907–08) p. 242–49.

COAL AND IRON POLICE. *See* POLICING, INDUSTRIAL.

COAL INDUSTRY. Coal is one of the basic materials of modern industrialism. It supplies at present three fourths of the energy used in industry and appears directly or indirectly as an indispensable ingredient in the production of such important materials as iron and steel. It is claimed with some reason that the industrial hegemony of England was made possible in part by the exploitation of its rich coal resources and that the same factor partly accounts for the rapid industrial expansion of Germany after 1870. National survival in time of war is also largely dependent upon coal, for it is essential in the manufacture of armaments and chemicals. There are significant instances in European history where the desire to possess certain new territory can be explained by that territory's coal resources. It was in part coal which made Belgium essential to France in 1807; it was coal which influenced France in her Ruhr-Lorraine policy during the past decade; it is coal which has made difficult the attainment of an equitable solution of the Saar problem.

The significance of coal in the world economy dates from the eighteenth century, although the technique of its mining and use as fuel were known long before that. It is believed that coal was used by the Chinese before the Christian era and by the ancient Britons before the Roman conquest. Authoritative British records mention coal in connection with certain transactions as far back as the middle of the ninth century, and there is definite evidence that by the thirteenth century it was quite generally used in Great Britain, primarily by brewers and smiths. From Newcastle, then as now an important coal marketing center, large amounts of coal were shipped to London, where part was consumed and part reshipped to the continent. As early as 1306 there were complaints about the injurious effects of coal smoke in London; in that year Edward I attempted by an ineffective decree to compel all but smiths "to eschew the obnoxious material and return to the fuel they used of old." By the sixteenth century the export trade was so developed that Newcastle coals were described in 1552 as "that thing that France can no more lyve withoute than the fyshe withoute water." About the same time the growing depletion of the English timber resources and the ensuing legislation designed to prevent the use in iron production of such timber as was adaptable for shipbuilding stimulated efforts to substitute coal for wood. The century following witnessed many unsuccessful attempts in this direction, and repeated failures led to the shutting down of iron works in many places. The coal trade remained of limited significance, and coal was used primarily as a household fuel in London.

Mining methods during these early years were crude and wasteful. Coal mines were in the main shallow bottle necked holes in the ground which rapidly filled with water. Since drainage was always difficult and frequently impossible, mines were abandoned after a relatively short period of life. In the technical difficulties of mining was seen a potent threat to Great Britain's fuel supply, and in 1549 and again in 1552 Parliament tried to restrict coal exports lest they drain the resources of the country.

The first great impetus to coal mining came in 1709 with the truly epoch making discovery of the practical application of coal to the smelting and manufacture of iron. It has been correctly said that the most important effect of the industrial revolution in the eighteenth century was to release the iron industry from its dependence on charcoal. An endless supply of a cheap substitute for charcoal for the foundry and the forge had at last been found, with the result that the supply of cast iron increased at a phenomenal rate and was followed by a stream of iron products. From this time on modern civilization was to depend on coal for its material existence.

The second impetus to the coal trade came with the invention of the steam engine. Here the relation was a dual one. The steam engine made possible the expansion of coal mining because it enabled men to cope with difficulties presented by the depth of the mines, by water, by underground haulage distances. Coal, on the other hand, made practicable the industrial use of steam power because it was a cheap fuel and because it made possible the production of the cast iron cylinder and of relatively cheap cast iron.

The tremendous growth which followed from these inventions in the production of machinery and those goods which could be made by steam driven machines brought with it an ever increasing expansion of the coal trade. The industry's output grew from 2,148,000 tons in 1660 to 6,205,000 tons in 1770 and to 10,000,000 by the end of the century. Approximately one fifth of this amount was used in the iron and textile industries alone. During the next fifteen years the output doubled and by 1850 production equaled 56,000,000 tons. In that year the industry was employing about 200,000 miners. Coal had assumed a dominating position in modern economic life.

With the industrialization of continental Europe coal became a factor in the world's international trade. At the beginning of the nineteenth century Belgium was the only continental country with an important developing coal industry and the coal consuming countries of Europe were dependent upon Great Britain for their supplies. By 1840 British exports reached a total of 1,606,000 tons and in 1850 they amounted to 3,800,000 tons. Coal played a dominant part in stimulating Britain's foreign trade and in the growth of her shipping and commercial leadership. It furnished a paying outward cargo to British ships, thereby cutting freight rates on imported raw materials and foodstuffs, the cost of which has played a large part in fixing Great Britain's competitive position in the world markets. Coal contributed over 45 percent of the addition of £92,000,000 to the value of British exports from 1870 to 1900.

With the building of railroads and the extensive employment of steam power in manufacturing in the second half of the nineteenth century important coal mining industries developed on the continent and in the United States. Belgium, which mined about 5,000,000 tons as far back as 1807, quadrupled her output by the end of the century. The production of France was about 4,000,000 tons in 1850 and 33,000,000 in 1900. Particularly rapid was the growth of coal mining in the countries of young and virile capitalism, Germany and the United States; by 1900 the latter was the largest coal producer in the world.

TABLE I

PRODUCTION OF COAL IN THE PRINCIPAL COUNTRIES, 1860–1900

(Millions of metric tons)

YEAR	BELGIUM	FRANCE	GERMANY	UNITED KINGDOM	UNITED STATES
1860	9.6	8.1	12.3	80.0	15.2
1871	13.7	12.9	29.3	117.4	42.5
1880	16.9	18.8	47.0	147.0	64.8
1890	20.4	25.6	70.2	181.6	143.1
1900	23.5	32.7	109.3	225.2	244.6

Source: Compiled from United States, Bureau of Labor, *Coal Mine Labor in Europe* (Washington 1905), and Woytinsky, Wl., *Die Welt in Zahlen*, vol. iv (Berlin 1926) p. 119–21.

The forces which brought about the rapid expansion of coal mining in the nineteenth century continued to operate in the next decade despite the increasing competition of other types of mineral fuel, such as petroleum and natural gas, and the growing utilization of water power as a source of energy. The World War provided an additional impetus to the expansion of coal mining in the countries with an established coal industry as well as in those countries which depended normally upon coal imports. The figures for coal output in the principal countries in the last pre-war year and in 1927, the last year for which complete figures are available at present, are given in Table II.

TABLE II

COAL PRODUCTION IN THE PRINCIPAL COUNTRIES OF THE WORLD, 1913 AND 1927
(Millions of metric tons)

COUNTRY	1913	1927
North America		
Canada: coal	13.6	12.3
lignite		3.5
United States: anthracite	83.0	72.7
bituminous and lignite	434.0	469.7
Other countries	*	1.0
South America	1.6†	2.1
Europe		
Austria: coal	16.5‡	0.2
lignite	27.4	3.1
Czechoslovakia: coal	**	14.0
lignite	**	19.6
Belgium	22.8	27.6
France: coal	40.1	51.8
lignite	0.8	1.1
Germany: coal	190.1	153.6
lignite	87.2	150.5
Saar	**	13.6
Hungary: coal	1.3	0.8
lignite	9.0	6.2
Netherlands: coal	1.9	9.5
lignite		0.2
Poland: coal	**	38.1
lignite	**	0.1
Russia: coal	33.8	25.9††
lignite		1.7††
Spain: coal	4.0	6.6
lignite	0.3	0.4
United Kingdom	292.0	255.3
Other countries	2.0	11.4
Asia		
China	13.8	*
India, British	16.5	22.4
Japan:‡‡ coal	21.6	35.6
lignite		0.2
Other countries	3.6	10.1
Africa		
Southern Rhodesia	0.2	0.9
Union of South Africa	8.0	12.6
Other countries	—	0.5
Oceania		
Australia	12.6	15.2
New Zealand: coal	1.9	1.3
lignite		1.1
Other countries	0.7	*
Total	1342.3	1473.0

* Estimate included in total.
† Estimate for Brazil and Colombia included in total.
‡ Does not include Bosnia-Herzegovina.
** No separate pre-war figures available.
†† For year ending September 30.
‡‡ Including Taiwan and Karafuto.

Source: United States, Bureau of Mines, *Coal* for 1922 and 1927.

Until the eighteenth century coal was used mainly as fuel for household purposes, but since the industrial revolution its most important use has been in supplying energy for industry. Despite the growing use of other mineral fuels and water power for the generation of energy the coal mine still remains the only available source sufficient to meet industry's ever increasing demand for fuel. At present coal furnishes about 73 percent of the world's industrial energy. Even in the United States, where the inroads of substitute sources of energy have been particularly great, some two thirds of the mineral fuel energy used is derived from coal. The other important use of coal is as a raw material in the production of iron and steel, but despite its significance in a civilization based upon the extensive employment of these metals the consumption of coal for this purpose approximates only one sixth of its output.

TABLE III

THE WORLD'S CONSUMPTION OF COAL BY USES

USES	PERCENTAGE	
As raw material	22	
Pig iron production		10
Steel production		7
Gas works		5
As fuel	78	
Industry (mainly for steam raising)		29
Railways		23
Electric generating stations		6
Ships' bunkers		3
Households		17

Source: League of Nations, *Memorandum on Coal*, 2 vols. (Geneva 1927) vol. ii, p. 6.

The coal deposits of the world are widely dispersed. In the United States, the world's largest producer, coal is commercially mined in twenty-nine states. Great Britain, Germany and Russia have the largest coal resources in Europe, although much coal is found also in France, Poland, Belgium, Czechoslovakia, Holland and Spain. In Asia the important fields are in China, India and Manchuria. New South Wales in Australia and the Transvaal and Natal in Africa have the most important workable supplies on their respective continents.

These coal supplies vary greatly in quality. Commercial classification is based upon the content of fixed carbon, volatile matter and moisture and runs from high grade anthracite containing a very large percent of fixed carbon and little volatile matter and moisture to low grade lignite and peat, which are nothing more than partially carbonized vegetable matter with a high moisture content. In between come semi-anthracite, closely resembling pure anthracite but with a lower fixed carbon content, semi-bituminous, bituminous, sub-bituminous or "black lignite," lignite or "brown coal" and peat; each with a progressively smaller carbon content and more volatile matter and moisture in the order named.

The great heating power and the smokeless qualities of anthracite make it an ideal household fuel; the bulk of its output is used for domestic purposes. Supplies are relatively limited and are confined in the main to eastern Pennsylvania in the United States, South Wales in Great Britain and the Donetz basin in Russia. The largest known resources are in Asia, but their great distance from markets makes them of no commercial significance for the immediate future.

The bituminous varieties are the steam and metallurgical coals. They furnish the energy of modern industry as well as the coal derivatives so essential to the production of chemicals. From bituminous come tar, pitch, sulphate of ammonia, paraffin hydrocarbons, benzol, toluene and dyestuffs. Bituminous is found in virtually all countries which have any coal resources.

The lignites, until recently little used save in those places where bituminous was too expensive, have in recent years increasingly supplanted bituminous coal. This has been particularly true in Germany, where "brown coal" has become increasingly important in the generation of electricity, the production of nitrates and the manufacture of glass. Lignite comprised about 229,000,000 tons, or 15 percent of the world coal output, in 1929. Huge supplies are scattered throughout the western part of the United States, continental Asia and Europe. It is used largely in the form of briquettes.

The combined workable world reserves of all grades of coal are today something like seven trillion tons. At the present rate of consumption this amount would meet the world's needs for the next 4000 years. This is not to say, however, that the problem of reserves is not one of vital significance. The supply of some varieties, particularly high grade anthracite, is fast being depleted as far as western civilization is concerned, and in some countries many of the better and easily accessible beds of bituminous have been exploited to an extent where further supplies can be secured only at increasing costs per ton. The workable English reserves, for example, at the present rate of output are estimated to last but four or five centuries, and in the United States the better anthracite reserves have already been worked out. To be sure, the resources of Asia have hardly been attacked, but their location is such that they cannot be looked upon as sources of energy supply for the Occident in the calculable future.

TABLE IV

ESTIMATED WORLD COAL RESERVES
(Millions of metric tons)

CONTINENT	TOTAL	ANTHRACITE AND SEMI-ANTHRACITE	BITUMINOUS	SUB-BITUMINOUS AND LIGNITE
Europe	784,190	54,346	693,162	36,682
America	5,105,528	22,542	2,271,080	2,811,906
Asia	1,279,586	407,637	760,098	111,851
Africa	57,839	11,662	45,123	1,054
Oceania	170,410	659	133,481	36,270
Total	7,397,553	496,846	3,902,944	2,997,763

Source: The Coal Resources of the World. An Inquiry Made upon the Initiative of the Executive Committee of the XII International Geological Congress, 3 vols. (Toronto 1913).

Coal is found in more or less horizontal seams of varying lengths and thicknesses at different depths beneath the earth's surface. When seams lie close to the surface, mining consists of removing the overlying surface soil and digging out the coal either by hand or with a steam shovel. This method, known as "open work" or "strip" mining, is practised in very few fields, for the amount of soil overlying most seams is too great to make it profitable. Although common in the Rhineland it is virtually unknown in Great Britain, and in the United States it accounts for only 4 percent of the output.

When coal lies too deep for stripping and where the general contour of the country is hilly, the coal seam may crop out on a hillside. In such cases a horizontal tunnel called a "drift" or "slope" is driven into the side of the hill and the coal brought out through this opening. Such drifts are uncommon in most mining areas outside of the southeastern American coal fields. In level country coal is usually reached by sinking vertical shafts from the surface.

The actual mining may proceed by either a "long wall" or "room and pillar" system or by a combination of both. The former is characterized by digging away the entire seam in the area worked and filling the space from which the coal has been taken by allowing the earth overlying the coal to fall and close in behind the miners as they advance or by packing in such waste rock as comes down with the coal. "Long wall" mining is almost universally used in Great Britain and other countries and is found here and there in Illinois, Iowa and Colorado.

In the "room and pillar" method, the common method of coal mining in the United States, roads, or "main entries," are driven from the bottom of the shaft into the coal. Other roads called "side entries" are then dug from the "main entries," usually at right angles. From these side entries, in turn, "rooms" are dug out, right and left; the main output of such a mine is the coal dug out in the making of these rooms. Pillars of coal which form walls between the rooms support the ceiling above the coal during mining operations, and after rooms have been worked out as far as is safe and practicable attempts are made to extract the pillars. As a general rule, however, a fairly large percentage of pillars are left untouched with the consequence that the proportion of the coal left unmined in a given working may vary from 8 to 65 percent.

The simplest and cheapest way of getting coal from a seam is by blasting. Mere blasting, however, shatters the coal into many small pieces and fine dust, and since the commercial value of coal is in part dependent upon the proportion of lump which it contains most of the coal mined is "undercut" before it is blasted in order to enable a small blast to break the coal into large lumps. When a very high proportion of large lumps is desired, slits are cut also above the coal seams and in some instances even along the sides.

Undercutting may be done "by hand," i.e. with a pick, or it may be done by machinery. The proportion of machine cut coal has been steadily growing in all parts of the world. In the United States approximately three fourths of the coal mined today is cut by machines, 14 percent is undercut by hand and some 8 percent is "shot off the solid." In Great Britain, where the quality of the coal makes it unnecessary to do much undercutting, machinery undercuts only about 24 percent of the country's output, an amount which is about three times as great as in pre-war days. In certain British mines coal is chopped off the seam with a pick and there is no need even for the use of explosives. In the Ruhr coal fields of Germany the machine cut output is at present over 85 percent of the total, a most extraordinary increase over 1913, when less than 5 percent of the output was produced by machinery. Over 80 percent of the Belgian and about 60 percent of the French output are obtained by machine cutting.

Once the coal is cut from the seam it must be transported to the shaft. For this purpose elaborate underground railway systems are essential. The mule in the United States and the pony in Great Britain were until the beginning of the present century the predominant motive power employed to haul mine cars from the coal face to the shaft bottom. Indeed, in Great Britain the pony is still in many cases the main source of haulage power, although he is fast being supplanted by endless ropes kept in motion by steam, electricity or compressed air. In the United States and in Germany the electric locomotive is generally used to move mine cars. Since 1920 conveyors have been gradually supplementing the underground rail haulage systems. They are particularly adaptable to "long wall" mining and their use is widespread in Germany. In the United Kingdom 12 percent of the coal output is moved by conveyors. The prevalence of "room and pillar" mining in the United States makes the conveyor less adaptable to American mines; slightly over 3 percent of the American production is conveyor handled.

In recent years loading machines which reduce the labor of hand shoveling have also been introduced into the mining industry with the result that it is possible, except for incidental cleaning up, virtually to eliminate the hand shoveling of coal into the mine cars. The use of loading machines is, however, still experimental and they are constantly being changed and improved. In 1929 these machines loaded only between 3 and 4 percent of the American output, but their significance in the industry is great because their number is fast increasing. Indeed, their capacity increased almost tenfold between 1923 and 1929.

The increased mechanization of mining has revolutionized the character of mine labor. It has transformed the miner from a skilled craftsman, working alone or with a "buddy" and wholly or partially responsible for important decisions with regard to choice of sectors for blasting and working, timbering of mines for safety and the like, to a factory hand, working in gangs, on a specialized routine subdivision of the job under the direction of foremen and experts. This change in the character of work to be performed will probably affect the status of the miner and lead to a substitution wherever possible of low paid unskilled labor on time instead of piece basis, to a jeopardizing of licensing regulations for newcomers in the industry and to a breaking down of traditional working rules and organization. On the other hand, the occupational hazards of the miner will probably be decreased. With mechanization has come a concentration of working area, making possible better control of ventilation and a smaller time period for working each area with a consequent decrease in the possibility of accidents. The substitution of general safety standards, set by specialized experts, for the common sense decisions of the skilled craftsman whose desire for production on a piece basis put him under pressure is another factor making for a decrease in accidents.

The business organization of coal mining is on the whole similar to that of manufacturing and trade. That is, organization varies from private ownership with ruthless competition at the one end to government ownership and operation at the other. Between these extremes a wealth of intermediate forms can be found: selling associations, output and price cartels, mine operations transforming coal at the pit into coke and by-products or electric energy, "captive" mines owned by industries dependent upon coal as an important raw material. The fact that mining involves the ownership of mineral deposits to be extracted has come, however, to exercise a certain modifying influence upon the form of organization which prevails in the industry. While in Anglo-Saxon countries the ownership of mineral deposits has since the time of Elizabeth been vested in the surface owner, on the continent it is vested in the state. It must not be inferred that public ownership led necessarily to government operation: the exploitation of deposits was generally carried on by private enterprise under a government concession, and in the German states from the sixties to the beginning of the twentieth century the right to free prospecting was generally coupled with the grant of a property right in the deposits to their discoverer. In Great Britain and the United States the competitive pattern has been predominant, while on the continent government regulation is more thorough and extensive. In some continental countries, such as Holland and Prussia, a number of coal mines have for some time been operated by the government.

Mining involves an unusually high proportion of fixed capital investment and the unregulated competitive form of organization has not proved particularly suitable to the coal industry. Closing a mine exposes it to the possibilities of caving, floods and other forms of deterioration and may even involve a complete loss of investment. It is frequently cheaper therefore to run a mine at a loss than to shut it down. Nor can capital once invested be easily withdrawn, since a mine cannot be turned to other uses. The common practise in the industry, therefore, is to continue producing at a loss, for owners can for a time more easily cope with small losses from sales at low prices than with the larger losses which might follow the closing down of their operations.

Conditions are made even more chaotic by new mines which are continually coming into operation. The desire to cut fuel costs, for example, leads to the opening of new mines adjacent to the larger consuming centers, irrespective of the surplus capacity already in existence elsewhere. The opening of new railroads into undeveloped coal areas, the possibilities of securing new markets as a result of readjustments in freight rates, the existence of low wage rates for labor in a given locality—all these play their part in bringing new mines into operation or in expanding the underground operating area in mines already in operation.

As long as the demand for coal kept growing at the compound rate of 4 percent a year, as was true during the generation preceding 1920, the product resulting from this planless expansion of capacity was with minor exceptions steadily absorbed. But with the World War the situation was changed. The interference with the free movement of coal stimulated the use of substitutes in some countries and in others it resulted in the maximum development of the existing coal resources. Thus capacity was tremendously increased at a time when forces were developing which were to check the steady growth in demand that had been characteristic of the past. In recent years the coal industry has been suffering from overcapacity throughout the world. It has been plagued almost everywhere with irregularity of production, overmanning and unprofitableness. In Germany the margin of surplus capacity is estimated to be about 25 percent, in the United Kingdom capacity is a third to a fourth larger than output and in Poland and the United States it is almost 50 percent larger.

The difficulties from which the coal industry suffers are particularly evident in Great Britain. In the early years of the industry's history the growing demand for coal brought unending profits to the British mine operators, who were generally the local aristocracy that owned the land under which coal was mined. In some areas where coal cropped out on the surface or was easily accessible, as in Staffordshire and the Midlands, small capitalists worked the shallow shafts on coal lands leased from owners under a royalty system. Later, leasing became general and funds raised through joint stock companies came into the industry. By and large, however, much of the expansion came through the reinvestment of the profits which came out of the mines, with the result that many of the larger operations today are still dominated by the same families which were active in mining two or three generations ago.

The coal owners of Great Britain have always been highly individualistic. Such formal relations as they have had with each other have been in the nature of organizations for mutual protection against labor unions and social legislation rather than for the coordination of activities in the conduct of their industry. The steady growth of the industry following the constantly increasing demand for its product both at home and abroad gave no occasion for modifying existing practises, and attempts to change managerial or marketing methods have always been opposed as unnecessary. Such matters as difficult natural conditions or inefficient underground haulage were until recently of little concern to the coal owners, for they were concealed by the continually increasing profitableness of the industry. Over a period of thirty years the industry had never had an extended depression. Every drop in output had been followed within a year by a recovery which outran the highest production of preceding years, while the margin between costs and market value steadily grew. From the mines of Great Britain at the outbreak of the World War came some $65,000,000 a year in the form of profits and approximately $30,000,000 a year in royalties. From these mines also came the livelihood of 1,118,000 miners and their families—almost 10 percent of Great Britain's population—a livelihood, incidentally, which was substantially higher than that of other wage earners in the country.

The product of the British mining industry has always been distributed by middlemen, for the coal owners have held distribution to be beyond their province. Although a considerable amount of coal is sold by the mines directly to the consumer, more than one half of the output frequently goes through three or four hands before it reaches its final destination. Some 2000 wholesalers or factors purchase the product from the mines and then resell it either to large consumers or to the 27,000 retailers. Occasionally the retailers resell to each other or to hawkers who vend on the streets a fairly considerable portion of the coal used for domestic heating in some of the larger cities. Foreign sales are in the hands of exporters who maintain their own sales agencies at the various ports and frequently at certain continental purchasing centers. They are in the main brokers whose function it is to place prospective purchasers in contact with mines, arrange for shipping, financing, etc. In most cases they do not confine their attention to the exploitation of coal alone, the majority being interested also in the coastwise coal business, shipping, brokering, lumbering and other activities.

The disadvantages arising from the complete separation of the marketing and mining activities of the industry have long been the subject of criticism. The small mines are frequently at the mercy of the coal merchant, who controls mine prices by setting mine against mine in a system of price cutting competition. During 1927 and 1928 some attempt was made to remedy the marketing situation by the formation of district selling associations. Some of these undertook to regulate the amount of coal sold by their members in the home market, with the idea of raising domestic prices, and others to regulate the output of the member mines and to subsidize the export trade with the proceeds of a tax levied on all coal produced. Still others were associations which merely fixed minimum prices. Thus far these schemes have not proved very effective. None of them includes all of the producers in their respective districts, and independent mine owners are always free to upset the calculations of the marketing organization. The schemes, moreover, are local in character; they cover only certain districts and make no provision for the elimination of interdistrict competition. That some sort of coordinated scheme may soon come into existence is evidenced by the interest of the present British government in the problem of coal marketing and its intimation that, if necessary, the establishment of marketing organizations may even be made compulsory. Once some sort of agreement among all the mine owners is attained, a national selling organization may become possible, at least for the export trade, and may extend eventually to the domestic market.

The history of labor in the British coal industry has been most checkered. At times the industry has presented a picture of callousness and brutality unequaled anywhere in modern times. The employment of women and children as beasts of burden underground, a system of indenture, a fourteen-hour day, all have prevailed at one time or another in the British mines. The elimination of these conditions has come only after years of battle on the part of the miners, and such improvements as have been attained have usually been incorporated into the routine of the mine by way of parliamentary statutes. Indeed, the first of the working class members to be sent to the House of Commons were miners' leaders.

Although organization has prevailed among the miners for several generations it was until 1908 primarily local in character. Not until that year was complete national unity in the form of a federation of the district unions achieved, a unity which culminated in the attainment of the passage of a minimum wage act in 1912. Throughout the greater part of their existence the miners' unions have been advocates of the nationalization of their industry, a creed which has been an integral part of their program and which was deemed of sufficient importance in 1919 to justify their attempting the organization of a general strike for its realization. It is today more than ever before to the Miners' Federation of Great Britain the sine qua non of an efficient and prosperous mining industry.

The belief in the efficacy of nationalization has been made particularly firm by the distressed state of the mining industry throughout the decade following the war. During that period the development of many mining areas abroad, the growing substitution of fuel oil and hydroelectricity and the active competition for export markets by countries which in the past were themselves consumers of British fuels have all cut into Great Britain's ability to sell coal for export. In the home market the increasing efficiency in the field of coal utilization and the decline in iron and steel production have seriously curtailed sales. Annual production during the decade, despite several world fuel shortages in the interim, did not come within 10,000,000 tons of the output of 1913 and has consistently run from 11,000,000 to 50,000,000 long tons below the 287,000,000 ton production of that year. At the same time there has been a fall in coal prices, and despite the fact that costs have been lowered by increasing the length of the miner's working day and by curtailing the number of workers on the industry's pay roll to the extent of 200,000 few of the mines have been able to operate on a profitable basis.

In 1921 the entire economic structure of Great Britain was shaken by the "most serious stoppage in British industry"—a three months' strike waged by the miners to protect the prevailing wage level. In 1926 Great Britain was for a short period in the throes of a revolution waged by organized labor in the form of a general strike called to assist the miners in their fight against a wage reduction, an increase in working hours and the denial of their rights to negotiate wage agreements on a national basis. Neither of these struggles was of much avail against the determined refusal of the mine owners to readjust their industry to changed circumstances, an action which was essential to maintaining the gains for which these battles were fought. The miners were left impotent and are unable to bring about the realization of any far reaching changes. Without legislative compulsion there appears to be little hope of bringing to pass those radical changes which might put the British coal industry into a position of such moderate prosperity as might make possible a return to the conditions of work and wages which the British miner formerly enjoyed.

Coal mining has for several generations been better organized in Germany than in other countries. In the early days the mines were the property of the royal or noble families. Later, under Frederick the Great, the industry was fostered by the granting of mine concessions and certain tax exemptions. In 1780 the Prussian government undertook to regulate coal mining within its borders by fixing prices, providing for the installation of equipment and generally improving productive conditions. With the development of the railroads after 1850 the growing demand for iron products became reflected in the demand for coal and thus stimulated production. The railroads also made available new markets in districts to which coal had never before been shipped. Thereafter the mining industry experienced a rapid growth, surpassing in its rate even that of Great Britain.

The fine coking qualities and high volatile content of the Ruhr coals provided the basis for a great iron and steel center in that area. Originally the metallurgical producers were dependent upon the coal owners for their fuel supplies and the iron merchants were to a considerable extent at the mercy of the coal industry. The production and sale of coke were under control as far back as 1882 and prices were more or less rigidly fixed. To free themselves from this control the metallurgical producers began in the eighties to acquire mines of their own and thus to furnish their own fuel requirements.

Overexpansion and falling prices during the seventies led to an organized attempt to eliminate competition in the German coal export trade, and in 1877 the Westphalian Coal Export Association was formed. Although it accomplished little more than to secure some orders for coal from the German navy and obtain lower freight rates for its product from the state railways it was the forerunner of organized control in marketing. In 1878 the National Mining Association made the first of the numerous attempts to control, through production agreements, the output of the entire Westphalian coal area, but due largely to the looseness of its agreements and the many reservations and exceptions contained therein it was not very successful in accomplishing its ends. In the next decade the Coke Association, created at first to regulate the price of coke produced in the Dortmund mining district, soon developed into a selling syndicate with the exclusive right to sell the coke and coal produced by its membership. And in 1893 came the first Rhenish-Westphalian Coal Syndicate, which in a sense was the precursor of the marketing organization prevailing in the German coal industry today.

The purpose of the Rhenish-Westphalian syndicate was to control the coal market by the elimination of competition between the Ruhr producers. Control was exercised through a selling organization to which all members of the syndicate delivered their allotted outputs at an arranged price. The product was in turn sold through a single sales agency and profits distributed in accordance with respective outputs. In disposing of the product the syndicate maintained two price policies. One was for territories where it did not have to meet the competition of fuel from other coal fields and where accordingly rigid prices provided an assured remunerative return. In other markets prices were freely cut and the syndicate used any means at its command to combat competition. To insure adherence to the terms of the syndicate's agreement, particularly to those clauses which fixed the size of the output of the respective members, fines and penalties were imposed for violations.

The syndicate agreement, which was to expire in 1903, was renewed with considerable modification and remained in force until 1916. The syndicate succeeded in raising prices, in some cases to unwarranted heights, despite the fact that it was held in check by the Prussian fisc, which sold a part of the output of its Ruhr mines in competition with the syndicate. The syndicate policy led also to the purchase by larger coal operators of small mines in order to profit by the quotas allotted to the latter, to the acquisition of coal mines by iron and steel companies and to a considerable increase in the output of independent mines. It was anticipated that the conflicting interests of these groups would prevent the renewal of the agreement, a contingency which was not welcomed even by the government because the syndicate had succeeded in stabilizing the industry and regularizing the employment of miners. In July, 1915, the federal government therefore promulgated a decree enabling the states to make coal syndicates compulsory unless agreements covering no less than 97 percent of the output be established voluntarily; under this threat the syndicate agreement was renewed. With the growing acuteness of the coal shortage particularly detrimental to the interests of small consumers the government created in 1917 an official machinery for rationing the distribution of coal which reduced the syndicate and the middlemen to the position of government agents.

The Treaty of Versailles left the German coal industry in a highly disorganized state. Germany lost the Saar district, a large part of the coal in the Aix-la-Chapelle field and after 1922 about nine tenths of the coal reserves of Upper Silesia, a total of more than one fourth of her pre-war reserves. In addition she was compelled to deliver to the Allies as reparations some 40,000,000 tons of coal per annum, a requirement which she never entirely fulfilled. She did, however, deliver between 15,000,000 and 18,000,000 tons annually until 1923, when she was declared in default and French and Belgian troops temporarily took possession of the Ruhr. For eight months the economic life of the Ruhr was at a standstill and coal production fell from the 1922 monthly average of 8,000,000 tons to an average of 2,000,000 tons. The necessity of meeting reparation requirements as well as the requirements of the home market and the additional need of regaining foreign markets to pay for imports, coupled with the fact that the German coal resources were reduced, made it essential that radical measures be adopted for the reorganization of the industry.

Important steps were taken as early as 1919, when the attempted socialization of the coal industry resulted in the creation of an apparatus for a radical reorganization of the fuel economy of the republic. In accordance with the law of that year the coal mines of Germany are grouped into ten compulsory coal syndicates and one coke syndicate, which are modeled closely after the Rhenish-Westphalian syndicate. Together with the states operating mines these syndicates form the Reichskohlenverband, which fixes production quotas for its members and maximum prices for their products. Over and above the Verband is the Reichskohlenrat, whose membership includes the representatives not only of mine owners and miners but also of shipping, transport and other important coal consuming industries. Its function is to formulate general policies for the industry and to supervise the activity of the Verband to the extent of vetoing its decisions by making representations to the minister of national economy, in whom final control is vested. While later developments reduced the importance of these organizations for the industry, the ability of the government to intervene at any time through the agency of the compulsory syndicates is a stabilizing factor in the situation.

Since the marketing machinery had been provided for by earlier legislation, the main attack after 1924 has had to be made on the organization and technique of the production sector of the industry. Domestic requirements, particularly those of power plants, were met to a large extent by the increased use of lignite, the production of which has grown from 85,000 tons in 1913 to 175,000,000 tons in 1929. In the bituminous branch of the industry, where the loss of resources was most acutely felt, concerted action brought about a complete overhauling. As a result the output of coal mines which Germany retained after the war was raised from 141,000,000 tons in 1913 to 163,000,000 tons in 1929. By 1925 she had regained 22,000,000 of the 35,000,000 tons she exported before the war, and through the aid of the British coal strike her sales abroad (excluding reparations) in 1926 almost equaled the banner year 1913. In 1929 she exported 28,000,000 tons.

"Rationalization" has been the watchword of the day. Amalgamations and the purchase of quota allotments have led to the closing of surplus and high cost mines, and production has been concentrated in low cost operations. In the Ruhr, where normally 80 percent of the bituminous coal and 95 percent of the coke of the country is produced, 77 undertakings normally employing 60,000 workers were shut down in a single year. The number of operating companies in that area is now less than 70. This relatively small number of companies with 175 mines produced 152,000,000 tons in 1929, a significant achievement when compared with the British coal industry, where 1400 companies with 2100 mines produced 240,000,000 tons.

Next came the reequipment of the mines. Wherever possible mechanical energy was substituted for human labor. Within a few years the energy used in running mining machines rose from 4 to 15 horse power per hundred workers and that used in operating such hand implements as compressed air picks grew from 8.5 to 42.5 horse power per hundred miners. Conveyors came to be almost universally used at the coal face and electric and compressed air locomotives entirely supplanted the mine pony on the haulage systems. Automatic equipment for handling coal cars at the shaft and improved cleaning, grading and washing machinery, which increased the efficiency of the labor employed on the surface from 50 to 70 percent, were generally installed. In fact, every detail of coal production even to the equipment of repair shops was modernized.

Coal utilization was also modernized. Mines became "coal using factories" and the production of coke, by-products and power became an integral part of mining. Between 1925 and 1928 the installation of new coke ovens increased the production of coke in some plants by almost 100 percent, without any increase in labor forces. Markets were sought for by-product gas, and long distance pipe lines now extend for hundreds of miles from the coke ovens to the consuming centers of Westphalia and the Rhineland.

Lower production costs, achieved mainly as a result of technical improvements, involved also sacrifices on the part of mine labor despite the fact that it is strongly organized. Since the early nineties there have existed in the coal industry two trade unions operating on a national scale, the "free," or Social Democratic, and the Christian. In the early post-war years Communist unions secured considerable power and the free union reached a peak membership of 467,000, far outnumbering the second strongest group, the Christian unions, which had a membership of 155,000. Even after the period of rationalization, when labor forces were considerably reduced, the membership of the free union remained at 285,000, a figure which compares favorably with the 104,000 membership of 1913. Moreover, the miners have been well represented on the coal syndicates and in the Reichskohlenrat. Nevertheless, labor was forced to rescind the gains made in the revolutionary period in the length of the work day of surface workers and to consent to a wage scale which is below that of Great Britain, even when allowance is made for the differences in the cost of living and such supplements to wages in Germany as the services provided by social insurrance and municipal agencies.

European coal fields outside of Germany and Great Britain have until recently been of limited significance. France is the largest of these continental producers, with an output (including Alsace Lorraine) of approximately 52,000,000 tons. The bulk of this output has come from the mines of Nord and Pas de Calais, which have furnished about two thirds, and the balance from the mines of central and southern France. During the World War the mines of Nord and Pas de Calais were destroyed, and at the termination of hostilities their output was but 12 percent of the pre-war average. In reconstructing this area the mines were completely rebuilt and modernized and they now turn out over 20 percent more coal than before the war. Mechanical equipment has been installed and more than 60 percent of their output is machine mined. Particular attention has been given to electrical generation at the mines, and surplus power is sold as far away as Calais, a distance of fifty miles. The entire output of this district, both the coal coke and by-products, is marketed by a central selling agency. There is also a common organization of mine owners for the purchase of mine timber. The other mining districts have organizations for the study of markets, and despite the absence of a formal selling syndicate for the entire industry there is sufficient cooperation between the various districts to make possible a large degree of price stability.

Before the war more than one third of the coal used in France was imported; almost 20 percent came from British sources. In the past ten years French coal consumption has increased substantially despite the fact that hydroelectrical developments generate enough power to supplant between 12,000,000 and 18,000,000 tons of coal. France has drawn on reparation coal from Germany and on annexed coal resources in Lorraine. Yet she has not been freed from dependence upon foreign countries for the coking coal used in her blast furnaces. Indeed, owing to the fact that the returned provinces consume nearly three times as much coal and coke as they produce, she is more dependent than before upon foreign sources. Nor can the Saar, which is under French control, furnish the necessary requirements. For Saar coal has poor coking qualities and the general region itself consumes whatever coke it produces.

Poland, with an output of 46,000,000 tons in 1929, is the fourth largest coal producer in Europe. During the first seven years after the war her industry was in a depressed condition and despite the acquisition from Germany of the coal resources of Upper Silesia her production was consistently below that of pre-war years. As elsewhere the tie up in the British coal fields in 1926 gave a fillip to Polish production and in 1928 the volume of her output attained its earlier high level, while in 1929 she surpassed it by 6,000,000 tons. This growth was mostly due to a large increase in her exports. Foreign sales of coal comprise in value over 13 percent of the total of all goods sold abroad, a percentage more than twice that of any other coal exporting country. The Polish government regards the development of its coal industry as a national necessity, and exports, particularly to Scandinavian and Baltic markets, are subsidized by the remission of coal taxes, railway rebates and fixed remunerative prices on the home market, a policy which has seriously curtailed British exports to northwestern Europe. The marketing is controlled by a central organization which regulates the rail deliveries of coal both within the country and to certain foreign destinations, fixes prices and imposes fines upon those mines which fail to observe formulated regulations.

Although small in area Belgium is the fifth largest producer of coal in Europe. Before the war her annual output averaged approximately 23,000,000 tons and her internal consumption amounted to 24,000,000 tons. Since the quality of her own coal is such as to make it of no value to her largest coal consumer, the iron and steel industry, Belgium exported about one third of her output and imported an equal quantity of coking coal. Good coking coal has been recently found in the Campine coal fields in northern Belgium and developments of new mines with large capacities are making the Belgian metallurgical industries less dependent upon foreign sources. Production did not greatly increase in the post-war decade and output has never surpassed 27,500,000 tons, the production for 1927. Consumption, due to the expansion of the iron and steel industry, has about doubled since the war. The difference has been made up by reparation coal, purchases from Great Britain, Holland and France and private purchases from Germany.

The technical equipment of Belgian mines has been greatly improved in the recent past; 81 percent of the output is machine cut and the production per man has been increased by nearly 10 percent in the southern coal fields, from which the bulk of the output comes. Privately owned royalties were abolished in 1928 and other methods for reducing costs have been inaugurated by the government in the form of low mine taxes, controlled imports and reduced freight rates on long haul shipments. In 1929 a central coal selling agency was created for marketing the Belgian product.

Considered from the point of view of relative growth the Dutch mining industry presents the most spectacular picture in Europe. Early in the twentieth century Holland launched a program of mine development through state operation in order to escape the domination of private concessions by foreign capital. Since then the industry has steadily increased its production at a rate unsurpassed on the continent. In terms of coal requirements the country is now virtually self-sufficient, while before the war the Dutch market was largely supplied by competing German and English producers. An appreciable amount of the special quality coal is still imported, but it is offset in considerable part by the export of other qualities.

The new state mines, which produce over 70 percent of the country's output, are among the largest and most modern in Europe. Some have been exploited for a short time only and their output will be considerably increased in the near future. Special preference, varying from 10 to 25 percent of the normal freight rates, is given to coal originating in the Limburg district, where state mines are located. Two thirds of the country's output is sold through a single marketing agency and the balance distributed by independent dealers.

Russia's coal resources are the largest in Europe and her fields are the potential source of a tremendous production. Russian mines supplied approximately three fourths of the domestic needs before the war. During the war and particularly in the years 1918–21 the output fell catastrophically, amounting in 1921 to less than one third of the normal. The Soviet government, which operates the mines as well as the other important industries, had a difficult struggle in its reconstruction work, the principal difficulties being the dispersal of labor and of the technical force and the dilapidated condition of mine equipment. While considerable quantities of timber and oil are used as fuel, Russian industry is largely dependent upon coal from the Donetz basin. As a result of tremendous efforts on the part of the government new equipment is being increasingly installed in the mines of that region, so that 23 percent of the Donetz output by 1928 was machine mined as compared with the pre-war figure of 1 percent. Considerable quantities of lignite are being mined in other parts of Russia and used at the pit in the generation of electrical power, which is looked upon as a basic factor in the success of the Soviet economic system. Although until 1930 coal production in the country as a whole did not keep pace with the output program set for the industry, because considerable difficulty had been experienced in securing an efficient and stable labor supply, it is steadily growing and has already attained a level of some 34,000,000 tons, which is 5,000,000 tons more than the output of 1913 in the areas now retained by Russia. A limited export trade in coal has also been developed; the major portion of the foreign shipments go to Italy. Some anthracite has been shipped even to the United States, where complaints have been voiced about the dumping policy of the Soviet government.

The decided movement in the less important coal producing countries of Europe toward supplying as far as possible their own fuel and power requirements has brought about an appreciable growth in the productive capacity of the continent. Although these countries are still dependent upon outside sources for their supplies of special types of coal, their purchases abroad have fallen appreciably. Outside of Europe there has also been a decided expansion in coal output, and Pacific markets, largely supplied by Europe in the past, are receiving increasing quantities of coal from nearby sources. The result has been a contraction in the foreign sales of Great Britain and Germany, where the successful operation of a large portion of the mining industry has been dependent upon them. It is likely that many of these war and post-war changes in the distribution of production will remain permanent and, if Russia succeeds in her coal expansion program, will even be intensified. Should this prove true, the coal industry of Europe is destined to remain in a disorganized condition for many years, and countries like Great Britain will have to continue operating on a restricted scale, at least until such time as their domestic consumption becomes equal to the unused capacity of their mines.

On the continent of Asia coal production is still in its infancy, the total Asiatic output constituting only about 6 percent of the world's production. Of the three principal coal producers in Asia, China, India and Japan, China is richest in resources. The Chinese anthracite reserves are the greatest in the world, but her anthracite output is used merely for household heating in the larger cities. In recent years it has been gaining a foothold in the transportation markets, and river shipping is beginning to consume anthracite for steam raising. Mining is concentrated in the hands of a relatively small number of large operators, one company in northern Honan mining about 5 percent of the country's total output. Bituminous coal is used in China exclusively for the production of power, and this coal is mined only at points adjacent to railroads. Here too large producers dominate and as much as 4,500,000 tons are produced annually in the operations of a single organization. The total output of the country averages about 20,000,000 tons, or 7,000,000 more than in 1913. Exports average around 3,000,000 tons, but these are offset by imports about equal in size to sections of the country inaccessible to the domestic product.

Coal has been used in Japan for centuries, but prior to the opening of the country to the culture of the Occident it played no part in the economic life of the country. The last quarter of the nineteenth century witnessed a great growth in the use of coal, so that at the outbreak of the World War over 21,000,000 tons were coming from the mines of Japan and about 4,000,000 tons were being exported abroad. The growth in the industrial output of the country and the difficulties experienced in securing foreign fuel supplies stimulated coal production during and immediately after the war. The increase in output averaged over a million tons a year. Like all other mineral resources coal is reserved to the state in Japan and mining is in the hands of private companies who operate under a government lease.

The Indian output has remained more or less static during the past decade and equals about 22,500,000 tons, or about 6,000,000 tons more than before the war. It is consumed primarily by the manufacturing and railroad industries and a considerable amount is sold for ship bunkers. Export and bunker sales comprise over one seventh of the total output.

The coal fields of the United States contain every known variety of coal. As has been said above, anthracite is confined to an area of less than five hundred square miles in northeastern Pennsylvania. The major bituminous areas are the Appalachian region extending from northern Pennsylvania into Alabama and the eastern interior region comprising Illinois, Indiana, Ohio and western Kentucky. These regions have a well nigh inexhaustible supply of high grade coal and together produce about 90 percent of the coal mined in the country. The balance comes from coal beds scattered over the middle western states, Texas, the Rocky Mountain area and the northern plains, the latter containing large deposits of lignite.

Due to the difference in the geological make up and the use made of their products anthracite and bituminous mining must be considered as distinct industries. Anthracite is used primarily as a domestic fuel, although some 30 percent of the output competes with bituminous on the industrial market. Because household consumption is less affected by industrial variation and because the historical development of the industry was less disorderly and anarchic, anthracite production is more stable than bituminous. In the early days of the industry railroads were built as adjuncts to anthracite mining and since then there has remained a close relationship between the transportation agencies and the mining companies. Indeed, at one time the railroads mined some 73 percent of the tonnage produced and controlled over 90 percent of the available reserves. In 1920 there were 174 producers owning 374 producing units in the anthracite industry; 13 of these producers contributed 79 percent of the total output. This centralized ownership made possible more rational development as well as a more effectively controlled output than has ever been possible in bituminous mining.

With the exception of abnormal years of labor difficulty the output of anthracite remained almost stationary from 1913 to 1926. Since then there has been a decline in consumption. Production failed to equal the average of other years, and from 1927 to 1929 the output for each year was progressively smaller. The 1929 output of about 75,000,000 tons was the smallest on record for any year free of labor disturbances over a long period.

The cause for this decline is to be found in the substitution of fuel oil and manufactured gas in the heating of households. In 1928, for example, 60 percent more fuel oil was consumed in household heating than in 1926. Fuel oil has also made inroads into coal consumption in the heating of other types of buildings. Much of this substitution has been caused by the greater convenience in the use of fuel oil. Some portion of the change, however, is to be attributed to the desire of the household owner for an assured fuel supply, something which has not always been possible for anthracite consumers. Twice within the past decade the anthracite supply has been curtailed by labor disturbances, and although during periods immediately following it has appeared that the industry has regained the majority of its customers an appreciable portion was never recovered. To counteract this decline in anthracite consumption organized efforts have been recently made for careful cleaning and sizing of coal, and the industry has made available engineering forces for training retail dealers in the fundamentals of combustion. Indeed, it has gone so far as to serve anthracite consumers directly in solving their heating problem.

The anthracite industry employed in 1929 154,000 men, a decline of 9 percent since 1926. The anthracite miners are virtually all members of the United Mine Workers of America and constitute the only large group in the American coal industry which has retained its solidarity. The beginning of their organization was laid in the anthracite strike of 1902, which was largely financed by the bituminous miners. For a decade thereafter the anthracite locals were still weak and unable to hold their membership. The award of the Anthracite Coal Commission in 1903 failed to provide for a closed shop, and the arbitration machinery set up on the basis of the commission's decision was not satisfactory to the miners. Even after 1912 the demands for a closed shop and for a change in the arbitration machinery persisted and were important factors in the prolonged strikes of 1922 and 1925, the latter of which was terminated by a five-year agreement. Recognizing the need for steady production if the industry is to retain its markets the miners negotiated in 1930 a new wage agreement covering a period of five and one half years; at this time their demand for a closed shop was finally granted in the form of the check off system of collecting union dues.

The American bituminous coal industry has been described as the worst functioning industry in the United States. Although its rated annual capacity has been as high as 970,000,000 tons and the maximum attained output 579,000,000 tons (1918), there have, nevertheless, been four occasions since 1917 when threats of a coal shortage have been so menacing as to cause the federal government to undertake the rationing of the supply. The immediate causes of these shortages have been labor disturbances and railroad car shortages. These, however, have been but the surface evidences of more important forces. The real causes lie in the organization of the industry, the character of our bituminous resources, our legal concepts of property rights in natural resources and our blind insistence on competition irrespective of its results.

TABLE V

PRODUCTION AND CAPACITY OF BITUMINOUS COAL MINES IN THE UNITED STATES, 1913–1929

(Millions of net tons)

YEAR	PRODUCTION	CALCULATED CAPACITY *
1913	478	635
1914	423	668
1915	443	672
1916	503	673
1917	552	699
1918	579	717
1919	466	736
1920	569	796
1921	416	860
1922	422	916
1923	565	970
1924	484	871
1925	520	822
1926	573	821
1927	518	835
1928	501	760
1929	535	760

* Estimated on the basis of 308 working days.
Source: United States, Bureau of Mines, *Coal* for 1928 and *Weekly Coal Report*, no. 691.

The demand for coal is seasonal, and since coal cannot be economically stored at the mine the industry works spasmodically. For over a generation the capital invested and the labor employed in bituminous mining have been idle on the average 93 working days in every calendar year. Moreover, the industry's capacity and labor force have always been larger than any immediate needs would justify. Competition for coal traffic has led the railroads to open new fields to be exploited, and strikes and high wage rates in union fields have encouraged the opening of new mines in districts where labor is not organized. The desire to be assured of a cheap supply of fuel has led many railroads and large industries to open their own mines, thereby further swelling existing capacity. These "captive" mines produce as much as one fifth of the country's output. A system of mine rating which compels a railroad serving a coal field to put in a siding and supply coal cars for every new operation still further aggravates the situation, for the opening of new mines has meant that the available supply of cars has had to be distributed among a larger number of operations. In times past this has frequently meant that in periods of great activity, when there have not been sufficient cars available to meet the total requirements of the coal fields, the newer operations have secured cars at the expense of the old and irregularity of operation has thereby further increased. Finally, capacity has been increased by the increasing use of mechanical devices in the coal mines. Coal cutters, conveyors and loaders, used in conjunction with more efficient mine layout and underground transportation systems, have increased both capacity and output without at the same time increasing the number of operations in existence.

All of these forces have led to a situation where in a single year, 1920, there were approximately 15,000 bituminous mines operating in the United States. Of these almost 4500 were so-called wagon mines with a total annual output of 4,500,000 tons, and 1440 were local workings with an average production of less than 300 tons each for the year. These 6000 mines together produced less than 1 percent of the total output of the country. The remainder of the coal, 563,000,000 tons, was produced by 6277 operators working 8921 so-called commercial mines having direct facilities for loading their output into railroad cars. The latter varied in size from operations totaling only 2000 tons a year to others with an annual output of 5,000,000 tons or over. The bulk of the production, approximately 500,000,000 tons, came from the larger units, 4147 in number, with an average annual output of over 50,000 tons. Of these, 1732 mines, or 11.7 percent of the total number of mines, turned out two thirds of the total coal produced.

The post-war decade witnessed a radical decline in the American production of bituminous coal. Output has never equaled the maximum of 579,000,000 tons attained in 1918, and in only one year, 1926, when the world was cut off from British supplies by the miners' strike, has the industry come within close distance of that figure. Had the rate of growth experienced before the World War continued, the production in 1927 would have been some 680,000,000 tons. The actual output in that year was only about 518,000,000 tons.

The failure of production to regain its former heights, despite the steady growth in the industrial output of the United States and an increase in energy consumption of about 17 percent, can be explained by several factors. The first has been a growth in the use of oil, gas and hydro-electric power as sources of energy. The second has been the great improvement in the efficiency of fuel utilization. Finally, there has been a slight decline in exports.

In terms of heating value bituminous coal furnished 52.6 percent of the energy consumed in the United States in 1929 as compared with 66.0 percent in 1920. The proportion of energy supplied by oil, on the other hand, grew from 15.0 percent to 24.6 percent, and by natural gas from 3.8 percent to 7.6 percent. The contribution of water power to our energy consumption increased during the same period from 5.0 to 7.9 percent.

In the field of fuel utilization the consumption of coal per unit of work performed has radically declined. Between 1919 and 1928 the railroad industry, which absorbs about 24 percent of the bituminous supply, cut its consumption per thousand gross ton miles of freight service by 25.3 percent. The consumption of electric power plants per kilowatt hour fell by 45 percent, and in the iron and steel industry the consumption of coal in making a ton of pig iron declined by 14.6 percent. In the general manufacturing industries a similar tendency has prevailed: the total coal consumption between 1909 and 1923 increased by 30 percent, while the output of manufactured goods grew by 64 percent.

The falling off in coal consumption during the ten years ending with 1930 was reflected in a rather marked change in the size and organization of the bituminous mining industry. The number of mines in the industry was radically cut and 1928 saw 6450 commercial mines in operation, a number which was 2881, or 30 percent, less than that in 1923. With this change came also a shift in the number and importance of the larger mines supplying the country's needs. The number of mines producing over 200,000 tons per year increased from 748 to 773, and their production, which comprised 47.2 percent of the country's output in 1923, grew to

60.7 percent in 1928. The shrinkage in numbers and output was confined mostly to mines with an output of from 10,000 to 100,000 tons. Concurrently came a sharp drop in the employment of workers, whose number declined by 26 percent as compared with a contraction in output of about 12 percent in the same period. This difference is to be accounted for by the growth in the number of larger mines, which, in effect, has meant the discharge of the entire working force in abandoned mines and the shift of part of their output to larger operations, a shift which necessitated the employment of but few additional workers by the latter. It is to be explained in part also by the development of mechanization in the mining of coal, as evidenced by the growth in machine cutting from 66.9 percent of the total in 1923 to 73.8 percent in 1928. The effects of both these sets of forces are revealed in the production per worker, which at 4.73 tons per day in 1928 set a maximum record for the industry.

TABLE VI

Daily Output per Worker in Bituminous Mines, United States, 1920–1928

(Net tons)

Year	Output
1920	4.00
1921	4.20
1922	4.28
1923	4.47
1924	4.56
1925	4.52
1926	4.50
1927	4.55
1928	4.73

Source: United States, Bureau of Mines, *Coal* for 1928.

Bituminous coal reaches the market through various channels, of which the most direct are sales from the mine to industrial consumers and retailers without the intervention of an intermediary. The smaller mines, however, cannot maintain sales agencies and they must seek an outlet for their product through wholesalers or jobbers. These dealers either buy the product of the mine outright or act as agents for producers on a commission basis. They rarely if ever actually handle the coal they sell. The larger portion of the mine sales to consumers and intermediaries is made on contract covering deliveries for six months or more, and over 70 percent of the tonnage is disposed of in this fashion. Almost one half the tonnage handled by independent sales agencies is purchased under long time contracts. Sales of this sort have a tendency to make more regular the operations of the industry, and diversion from this practise tends to increase new mine development and irregularity. Contract sales also make for a steadiness in price. Indeed, in times of runaway markets it is the "spot" portion of the output, i.e. such coal as is not subject to contract, which furnishes abnormal profits to the operator and the wholesaler.

TABLE VII

Consumption of Bituminous Coal in the United States by Users

Users	Percentage
Railroads	27.7
Coke ovens	16.0
Electric utilities	7.7
Steelworks	5.4
General manufacturing	19.5
Gas works	1.0
Mining and quarrying	1.9
Bunkers	1.5
Domestic heating and other uses	19.3

Source: United States, Bureau of Mines, *Coal* for 1927.

Little of the bituminous coal produced in the United States is exported abroad. In the abnormal years 1920 and 1926, when Great Britain was unable to meet the requirements of her customers, exports from the United States exceeded 35,000,000 tons and were about twice the average. Even this amount, however, was but 6 percent of our production as compared with over 20 percent which Great Britain exports even in years of depression. In normal years American bituminous exports run under 20,000,000 tons, and the average since 1924 has been about 16,000,000 tons. Most of this tonnage goes to Canada and only one fourth is distributed to other parts of the world. Brazil, Cuba and Italy represent the only other countries which use any appreciable quantities of American bituminous coal, and the demand from some of these markets is steadily shrinking. By and large, seaborne exports of bituminous are uncertain, fluctuating and speculative. Sales to Canada, on the other hand, are of long standing and have steadily remained around 13,000,000 tons.

Organized labor has played a most dramatic part in the history and growth of the industry. Bituminous mining has witnessed some of the most intense and spectacular struggles ever waged in America, and some of the coal fields have been the scene of actual civil war. Organization among the workers dates back to the middle of the nineteenth century; the first national organization of any significance was formed in 1885. In the last quarter of the nineteenth century intermittent employment, low wage scales and unsatisfactory working conditions prevailed throughout the coal fields. This period was marked by the development of many new coal fields as well as by the expansion of railroad facilities, and markets which had previously been sectional were for the first time made available to producers from distant mining areas. Competition, already severe, was further intensified, and labor was made to bear the burden of falling prices by wage cuts. Labor conditions were further aggravated by conditions in the isolated mining towns, where compulsory purchases at company owned stores, the payment of wages in scrip and long hours gave occasion for justified dissatisfaction. Cases are on record, for example, of mining companies which offset part of their losses by profits made from the sale of necessities to the labor force at company stores. Others recouped their losses by short weighing the output of the miners, refusing to pay for certain work ancillary to the actual mining of coal and by abnormal deductions from miners' wages for coal which contained dirt and other impurities.

In 1897 the United Mine Workers of America, which has since come to be the dominant labor organization in the industry, called a strike in the eastern coal fields. While its membership did not exceed ten thousand, 150,000 miners in virtually all of the major fields laid down their tools and within a short time the greater part of the industry came to a standstill. From this strike there resulted an interstate joint conference of the miners and operators of the four main coal producing states, Illinois, Indiana, Ohio and western Pennsylvania, which are known as the Central Competitive Field. This joint conference fixed wage rates and working conditions for certain basic points in each of the four states. These were fixed with the purpose of protecting the competitive position of operators in each district. For specific mining sections within each district further adjustments were made in relation to the basic rates and working conditions, allowance being made for distance from markets, differences in geological conditions, quality of the coal and other factors which enter into the cost of mining and the competitive position of the operator in the market. Changes made in basic rates were also reflected in the rates paid in other organized mining districts lying outside of the Central Competitive Field. Interstate joint conferences were held more or less regularly from 1898 to 1927, when the refusal of some of the former participants to negotiate a new agreement with the union led to the virtual abandonment of the Central Competitive Field as the basic unit of wage determination.

Since 1927 the effectiveness of the United Mine Workers of America has been steadily declining. The reasons lie in the existence of non-union fields centering in West Virginia, eastern Kentucky, Alabama, Tennessee and certain sections of Pennsylvania. Operators in these fields have consistently refused to become parties to a joint agreement with the union and have claimed that their natural competitive advantages would be lost through such action. They have sought with every device known to labor warfare to keep organized labor out of their domain and have been singularly successful. The absence of union interference has left the non-union operators free to fix for themselves the wage scale paid to their employees. Each mine makes its own wage scale and individual bargaining prevails. In many mines there are not even standard rates for a given class of work and each laborer makes his own bargain with his employer, the miner's wage being in large part determined by his bargaining ability.

The high quality of the coal in many of the non-union districts and the easier access to the coal seams has always given them an advantage over the union districts. The existence of uncontrolled wage determination gives them a further advantage, particularly in times of slack demand and limited employment, when by manipulating wage rates production costs can be adjusted to meet varying market conditions.

Unable to meet the competition of non-union mines a large number of operators in the organized fields have regularly and repeatedly demanded from the union a readjustment of their wage scales. The union, recognizing the futility of granting such concessions, since the non-union mines would still be free to cut their rates further in order to meet any such readjustment, has sought rather to force the non-union mines into the ranks of the organized. For thirty years it has centered its efforts on the organization of non-union fields, and the bulk of its funds, as much as $3,128,924 in a single year (1921), has been spent for this purpose. Its efforts have been ineffective; the non-union operators have steadily increased their contribution to the country's production and have driven from many of the important markets a large portion of the union mined coal.

In 1922 the organized operators attempted to force down the union wage scale. A four-month strike followed, which the miners won. Their victory, however, was Pyrrhic, for non-union tonnage continued to increase and as soon as an opportune moment arrived many operators abrogated their agreements with the mine workers' organization. A federal commission appointed in 1923 was unable, despite a most thorough and searching investigation, to make effective any of its recommendations for stabilizing the situation. As contracts with the union expired an increasingly large number of owners began to operate their properties under non-union conditions. The non-union portion of the country's output, which in 1922 approximated 30 percent, increased by 1925 to 60 percent and it is estimated that in 1930 it ran as high as 80 percent. In West Virginia, the most important of the non-organized sections, production grew from 108,000,000 tons in 1923 to 132,000,000 tons in 1928; in Kentucky from 45,000,000 to 63,000,000; while the total for Ohio, Illinois and Indiana, former strongholds of the United Mine Workers, has fallen from 146,000,000 to 87,000,000 tons, a decline of 40 percent.

The effects of this situation on the fortunes of the United Mine Workers of America is made readily apparent by the course of its membership. In March, 1923, it was the largest trade union in America, with a tax paying membership of 445,734, of whom about 380,000 were in the bituminous industry. By June, 1929, its ranks had been so decimated that there were approximately one third of this number on the tax paying roll of the organization. The end of the third decade found the union in a disorganized condition with important sections in revolt. Federal commissions and congressional investigations have proved futile in helping the situation. Without an attack upon the general organization of the industry and a radical change in the American attitude toward competition as a medium for bringing about stability in the bituminous industry, it is doubtful whether any attempt at solving the difficulty will be effective.

Although the importance of coal in the world economy has been in part diminished by the growing use of substitutes, it appears that for many generations at least coal will remain the primary source of industrial energy. Relative to coal the supplies of oil and natural gas are being rapidly depleted, and there is a definite limit to the expansion of hydro-electricity. Despite the inroads of these substitutes the consumption of coal in absolute figures has continued to expand. In the shipping industry there is already evident a reversion from fuel oil to coal. Indeed, the net effect of substitute fuels appears to have been merely to check the rate of expansion in coal consumption.

Although the immediate effect of the new developments in the technology of fuel utilization has been to curtail the growth of coal consumption, these developments make it possible to anticipate a growth in the use of coal at a rate even greater than that which prevailed before the World War. Every day brings to light previously unknown wealth which has been hidden in coal. In the form of benzol coal already furnishes a significant portion of the fuel consumed in internal combustion engines, and successful laboratory tests lend credence to the idea that we shall some day lubricate the wheels of industry with oil made from the product of the mine.

In the meantime the pressing problem is one of bringing some sort of order into the world's coal industry. Europe has been searching for a means to this end. Since the crux of the difficulty lies in surplus capacity, the League of Nations and the International Labour Office have been seeking a way of adjusting output to demand. They have dismissed national measures as inadequate and the view has been officially expressed that without an international agreement between the producers concerning outputs, markets and prices, measures for equalizing wages, hours of labor and the abolition of artificial trade restrictions, as well as artificial stimuli to production, nothing will be accomplished. Thus far international agreements, particularly those affecting coal markets, have proved unattainable. They presuppose well coordinated national marketing systems, and such prevail in none of the more important producing countries except Germany. Without England as a party to an international agreement little of advantage can be expected; yet there is small evidence in Britain pointing even to the creation of a unified marketing system within its own borders. Nor do present evidences point to any probable reversal in national policies which have as their end the stimulation of industry within national frontiers. The desire to remain self-sufficient, particularly in the realm of fuel supply, for purposes of "national security" has proved and will probably continue to prove a great obstacle in the way of an international agreement for restricting production. The memory of experiences during the recent war is still too vivid. For the immediate present, at least, the amelioration of conditions in the world coal industry by international agreement appears to be outside the realm of practical politics.

Isador Lubin

See: Mining; Natural Resources; Conservation; Metals; Iron and Steel Industry; Oil; Power, Industrial; Industrial Revolution; Cartel; Government Regulation of Industry.

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For Germany: Beaumont, Maurice, *La grosse industrie allemande et le charbon* (Paris 1928), and *La grosse industrie allemande et le lignite* (Paris 1928); Stockder, A. H., *German Trade Associations; the Coal Kartells* (New York 1924); Lüthgen, H., *Das rheinisch-westfälische Kohlensyndikat in der Vorkriegs-, Kriegs- und Nachkriegszeit* (Würzburg 1926); Storm, Ernst, *Geschichte der deutschen Kohlenwirtschaft von 1913–1926* (Berlin 1926); Greer, Guy, *The Ruhr-Lorraine Industrial Problem* (New York 1925); *Die Bergarbeiter in Wandel der Geschichte: historische Betrachtung nach Otto Hues Darstellung nebst Ergänzung* (Bochum 1926); Germany, Ausschuss zur Untersuchung der Erzeugungs- und Absatzbedingungen der deutschen Wirtschaft, Unterausschuss für Arbeitsleistung, *Die Arbeitsverhältnisse im Steinkohlenbergbau 1912–1926* (Berlin 1928).

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COALING STATIONS. *See* Navy; Shipping.

COALITION. Apart from its meaning as a temporary alliance or as a combination of states for joint action the term coalition, as employed in a political sense, commonly denotes a cooperative arrangement under which distinct political parties, or at all events members of such parties, unite to form a government or ministry. Although it is derived from *coalescere*, to grow together, the word as actually used somewhat belies its nominal meaning; for the units or elements brought into combination by a coalition very seldom grow together in any literal sense. The qualities of integration and permanence attach more frequently to a bloc than to a coalition, because the former is more likely than the latter to be based upon deep seated and enduring community of interest, as opposed to momentary convenience or necessity. Coalitions, however, are sometimes difficult to distinguish from blocs, and, moreover, they occasionally evolve into blocs.

Three familiar types of situation are mainly responsible for coalitions: the inability of any single party, where a multi-party system exists, to form a ministry commanding a working majority in the lower house of parliament; an even balance between parties under a bi-party system, leading one of the two to ally itself with any minor group or party strong enough to keep it in power; and a national crisis necessitating the suspension of party strife and the concentration of all forces in a common direction for the common safety.

The first type of situation is found most frequently in continental Europe. Russia and Italy are at present one-party countries, but elsewhere one meets a multiplicity of parties, ranging from six to seven in France and Germany to twenty or thirty in Czechoslovakia and some of the Balkan states. In all such countries every government is necessarily a coalition government. Sometimes the parties cooperating in support of the ministry are of the Left, sometimes of the Right; not infrequently they represent curious affiliations between groups of both Left and Right. Sometimes a coalition is based primarily on racial community, sometimes on religious alignments, sometimes on economic interest. It is often purely casual or accidental and rarely is it of long duration. On the other hand, it seldom happens that a coalition is swept from office integrally. As a rule, when dissension or ineptitude overwhelms it, its lines are merely re-formed; certain parties hold on and others give way to newcomers, in a combination as tenuous, and often as illogical, as the one which it has superseded.

England is the classic land of bi-partyism, and it is there that coalitions under the second and third types of situation mentioned have been most conspicuous. At no time has the idea of coalition been popular among Englishmen, and at the present day no political term, perhaps, is in greater disfavor among them. Nevertheless, it was a coalition that drove Shelburne from office in 1783; George IV attempted to create one in 1827; Queen Victoria built up a short lived one in 1853; the Liberal Unionists were practically in coalition with the Conservatives from 1886 until, after a generation, they became merged with the larger party; in the years 1892–95 the Irish Nationalists were in league with the Liberals; and from 1905 until the World War, particularly after the elections of 1910, both Nationalists and Labour were aligned with the Liberals.

The most famous of all coalitions, however, and one that well exemplifies the third type of situation, was that organized in England during the war emergency. In May, 1915, the Liberal premier, Asquith, brought together in his reconstructed ministry representatives of all existing parties except the Irish Nationalists. Government on this basis encountered a considerable number of obstacles, and a political crisis of December, 1916, not only brought Lloyd George to the premiership but resulted in a coalition "war cabinet" which for almost three years managed affairs essentially as a dictator. On the ground that it would be disastrous to handle the peace negotiations and the problems of reconstruction on a party basis, the coalition appealed to the electorate in 1918 and won a fresh lease of life. Englishmen, however, were of no mind to see it, or anything like it, continue indefinitely. In 1922 most of the Conservatives withdrew their support, as Labour and Independent Liberals had done previously, and thereupon straight party government was resumed. The political situations resulting from the elections of 1923 and 1929 raised the question of a Labour-Liberal coalition, but did not stir genuine favor for the plan in any quarter.

In multi-party countries coalitions are taken as a matter of course; in English speaking countries they are regarded at best as stop gaps or emergency measures. They have their uses, but certainly also their drawbacks. One of their effects is, naturally, to promote compromises in politics. Everybody must yield something, although mutual surrender is rarely sufficient to guarantee stability or strength for more than a fleeting interval. It is perhaps a not undesirable corollary of this quality in coalitions that they tend to curb radicalism and likewise to liberalize conservatism. Radical parties usually feel that they are expected to yield most, and they are usually least inclined to affiliate. Even where coalitions are a practical necessity they make for rapidity of political changes and shifts, tempered only by the already mentioned tendency of coalition ministries to renew themselves partially rather than integrally. Finally, and perhaps this is the most weighty objection, a coalition operates to release a government from the restraint and responsibility which, under a smoothly working bi-party system, a front opposition bench normally imposes.

FREDERIC A. OGG

See: BLOC, PARLIAMENTARY; LEGISLATIVE ASSEMBLIES; PARTIES, POLITICAL; CABINET; CABINET GOVERNMENT; SUCCESSION, POLITICAL; COMPROMISE; OPPORTUNISM.

Consult: Ogg, F. A., *English Government and Politics* (New York 1929) chs. xx–xxi; Aspinall, A., "Coalition Ministries of 1827" in *English Historical Review*, vol. xlii (1927) 201–26, 533–59; Sait, E. M., *Government and Politics of France* (Yonkers 1920) ch. x; Buell, R. L., *Contemporary French Politics* (New York 1920) chs. i–iv; Bourgin, G., Carrère, J., and Guérin, A., *Manuel des partis politiques en France* (2nd ed. Paris 1928); Schricke, P., "La situation politique en Belgique" in *Revue hebdomadaire*, vol. xxxviii (August

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COBB, FRANK IRVING (1869–1923), American journalist. After some years of newspaper work in Michigan Cobb became chief editorial writer, and later editor, of the New York *World*, where from 1904 until his death he exerted a strong influence upon the conduct of American politics. Although little known to the public he was in his own profession regarded as one of the ablest men of his day. As editor of the *World* he became the foremost journalistic champion of the "Independent Democrats"—a group not clearly definable which, although much more liberalized, succeeded the Cleveland following of an earlier day. This group, while clinging to the essential tenets of the Democratic party, rejected the rule of party regularity and held itself free to throw its influence to any political leader whose principles and record pointed toward good government. During the war period Cobb was the chief journalistic aid of President Wilson. He was absorbed in his profession and wrote very little for publication in periodicals other than the *World*. After his death a selection of his editorials and public addresses was compiled by J. L. Heaton and printed in *Cobb of "The World"* (New York 1924), from which an impression may be gained of one of the most forceful personalities of his time.

JOHN L. HEATON

COBBETT, WILLIAM (1763–1835), English journalist. Cobbett, who was the son of a small farmer, ran away from home to join the army. He was promoted rapidly but retired after a few years having meanwhile become discouraged by the abuses of army life. He attempted to expose the conditions he had observed but found that military corruption was so widespread that his charges were being distorted against him. Accordingly he fled to France and crossed thence to America. There he flung himself into the pamphlet war between Federals and Democrats and his powerful and brilliant pen was of great service to the former. He returned to England in 1800. At this time he was a Tory and a Jingo. In 1802 he founded the *Political Register*, the great weekly organ which he conducted until his death. The more he saw of politics at home the less he found that the pleasant picture of English life he had formed in America corresponded to the facts. He soon became a radical criticizing abuses with a freedom that brought him into trouble, at one time even serving a sentence in jail for an article attacking the flogging of militiamen.

Cobbett's quick mind, his Berserker manners and his incisive pen made him a great force in public life; Hazlitt said of him that he formed a fourth estate of himself. He was a violent, overbearing man who quarreled with all the radical leaders in turn: Hunt, Burdett, O'Connell. He was a difficult colleague but excelled in the leadership of men in the mass, men who read his *Register* but never saw him; for it was the common virtues and common misfortunes of mankind that held his attention. He was a failure in Parliament, where he sat from 1832 to his death, but as a popular writer he was unequaled. His wit, his sarcasm, his graphic and pointed invective, his power of clever and sparkling analysis and ridicule made him an incomparable master of controversial prose. These gifts were used to the utmost against fund holders, money lenders, landlords and tithe holders: all the powerful classes to whose interests, he believed, the agricultural laborer had been sacrificed. For whatever the cause he was urging at the moment all his politics was governed ultimately by one desire. "I wish," he wrote, "to see the poor men of England what the poor men of England were when I was a boy." Most of the radicals looked forward; he looked back. He knew more about the agricultural laborer than anyone of his time. He had just the gifts—confidence, shrewdness and enterprise—which made many men of his class and type successful leaders in the industrial revolution, but he used those gifts as England's last peasant leader.

JOHN LAWRENCE HAMMOND

Important works: *The Parliamentary History of England*, 36 vols. (London 1806–20); *Advice to Young Men* (London 1829; ed. by H. Morley, 1887); *Rural Rides* (London 1830; new ed. by Pitt Cobbett, 2 vols., 1885); there is a complete bibliography of Cobbett's works in Benjamin, L. S. (Lewis Melville), *The Life and Letters of William Cobbett*, 2 vols. (London 1913) vol. ii, p. 265–309.

Consult: Cole, G. D. H., *The Life of William Cobbett* (London 1924).

COBDEN, RICHARD (1804–65), British statesman and publicist. Cobden was the son of a Sussex farmer who lost his property in the crisis following the Napoleonic wars. He had a few years of wretchedly poor schooling and at fifteen entered his uncle's business office in Manchester. He became a commercial traveler, established an independent business with two friends in 1828 and in 1831 opened a textile factory. His business success gave him leisure, which he devoted to study and systematic travel.

Before 1838 he had published several pamphlets on political and economic subjects and had been a candidate for Parliament. But it was the founding of the Anti-Corn-Law League in 1838 which gave him his opportunity in public affairs. The agitation for the repeal of the corn laws had a broader significance for Cobden than for most business and working men who favored repeal. To the manufacturers, repeal meant a better market for their goods; to the working men, deliverance from the semi-starvation of the "hungry forties." To Cobden it represented, in addition, the prelude to a new political method, which has received the name of "Cobdenism." Cobden repudiated the theory that trade follows the flag, arguing that international policy should aim at peace, since the real battle would, in any case, "be won by the cheapest." Hence Cobdenism was synonymous with the removal of all restrictions on trade, laissez faire in industry and non-intervention in the affairs of foreign countries.

Cobden entered Parliament in 1841 and immediately made his mark in the House. He won over Sir Robert Peel, who had been pledged to maintain the corn laws, and repeal was carried. This was the crowning triumph of Cobden's life. The consequent dissolution of the league dispersed the elements of the ad hoc alliance. The manufacturers, having got what they wanted, cared little for Cobden's pacifism, and his opposition to the Crimean War led to his defeat in the election of 1857. The working classes turned to other reforms, to which Cobden was hostile or indifferent. The evils of the factory system were as glaring as those caused by the bread tax and Cobden opposed the factory acts; the working engineers were just then laying the foundations of modern trade unionism, a movement which Cobden hated. Moreover, Cobden's policy of non-intervention conflicted with the desires of continental liberals, who received little encouragement from him, although the struggles of the oppressed nationalities for freedom were ultimately to draw Great Britain into the World War. Nevertheless, the failure of later Cobdenism was only relative. In 1860 Cobden succeeded in making a commercial treaty with Louis Napoleon which, apart from marking a great step in the breaking down of age old Anglo-French enmity, became the model for many other commercial treaties and checked the tendency to increased tariffs that set in after the wars of the sixties and seventies. He resolutely opposed interference in Denmark, China and Mexico; and on the question of the Civil War, as on almost every other great political problem, he stood with John Bright as a steady supporter of the North and opponent of intervention.

F. J. Shaw

Consult: Morley, J. M., *The Life of Richard Cobden*, 2 vols. (new ed. London 1908); Hobson, J. A., *Richard Cobden, the International Man* (London 1919); Shaw, F. J., and Chesson, W. H., *Anglo-American Relations, 1861–1865* (London 1919) chs. iii–iv, vi; Dawson, W. H., *Richard Cobden and Foreign Policy* (London 1926).

COCCEJI, HEINRICH VON (1644–1719), German jurist. He succeeded Pufendorf at Heidelberg as professor of natural law and the law of nations. In his lectures on the philosophy of law he combated the ideas of Grotius and Pufendorf. He rejected the doctrine of sociality as the source of natural law, which, according to him, originated in the will of God and derived its binding character therefrom rather than from contract or a supreme principle of reason. His theory thus remained rationalistic in so far as he conceived this divine will to be known through reason rather than revelation. His references to the limitations of reason and his critical attacks upon the prevailing system of natural law paved the way for its ultimate subordination. But it was perhaps his greatest merit as a jurist that neither his inclination toward natural law nor his admiration of Roman law prevented him from founding the first independent system of German constitutional law in his *Juris publici prudentia* (Frankfort 1695). Like Conring he started from traditional German rather than Roman law and derived his principles of constitutional law from historical materials rather than reason.

Erik Wolf

Consult: Stintzing, R. von, and Landsberg, E., *Geschichte der deutschen Rechtswissenschaft*, 3 vols. (Munich 1880–1910) vol. iii, pt. i, p. 112–17.

COCCEJI, SAMUEL VON (1679–1755), German jurist. He was the third son of Heinrich von Cocceji and achieved high judicial and administrative office under Frederick the Great. In order to investigate existing abuses in the judicial system he made extensive journeys through the Prussian provinces under the king's commission and succeeded in effecting far reaching reforms in the administration of justice. These were embodied in his *Projekt eines Codicis Fridericiani Pomeranici* (Stettin 1747) and his *Projekt des Codicis Fridericiani Marchici* (Berlin 1748). Cocceji began also the preparation of a code of substantive law for the Prussian states upon the basis of natural law and the precepts of enlightened absolutism. But death interrupted his labors and the *Projekt des Corporis Juris Fridericiani* (Halle 1749) never went into effect. As a jurist Cocceji was more completely than his father under the influence of Roman law, which he attempted to harmonize with natural law in his *Elementa jurisprudentiae naturalis et romanae* (Berlin 1740). His chief work as a scholar was the editing of his father's lectures, which he published with notes under the title *Grotius illustratus* (4 vols., Breslau 1744–52). The ideas of the elder Cocceji on natural law are known chiefly in this form. Hence the names of both father and son are inseparably linked in the history of jurisprudence.

ERIK WOLF

Consult: Trendelenburg, F. A., "Friederich der Grosse und sein Grosskanzler Samuel von Cocceji" in K. Akademie der Wissenschaften zu Berlin, *Philologische und historische Abhandlungen* (Berlin 1863) p. 1–74; Stölzel, A. F., *Brandenburg-Preussens Rechtsverwaltung und Rechtsverfassung dargestellt im Wirken seiner Landesfürsten und obersten Justizbeamten*, 2 vols. (Berlin 1888) vol. ii; Stobbe, Otto, *Geschichte der deutschen Rechtsquellen*, 2 vols. (Leipsic 1860–64) vol. ii, p. 448–53; Stintzing, R. von, and Landsberg, E., *Geschichte der deutschen Rechtswissenschaft*, 3 vols. (Munich 1880–1910) vol. iii, pt. i, p. 215–21.

COCHIN, AUGUSTIN (1876–1916), French historian. Cochin, a member of a prosperous and distinguished Parisian family, led his class at the École des Chartes, immersed himself in the documentary study of the French Revolution and was ripe for productive greatness when he fell in battle in 1916. Yet in spite of the incompleteness of his work he must be given a place of importance in the historiography of the revolution. The *Crise de l'histoire révolutionnaire* (Paris 1909) reviewed in the work of Taine and Aulard the eternal contrast between the haters and the lovers of the revolution, and made one more appeal for objectivity in the historical treatment of this controversial subject. Here too is to be found Cochin's distinction between the plot theory and the circumstances theory, the two explanations of the Terror which he finds running through all histories of the revolution. The posthumous *Sociétés de pensée et la démocratie* (Paris 1921) and *Sociétés de pensée et la révolution en Bretagne* (2 vols., Paris 1925) show Cochin developing his own variant of the plot theory. The revolution was the work of a well organized minority, prepared during the latter part of the eighteenth century by the activities of various literary societies, agricultural societies, salons and other groups. Cochin made a careful study of the documents pertaining to the groups which existed in Brittany and concluded that they formed a genuine political machine of a kind familiar enough to Americans. Working with Charles Charpentier he collected vast stores of documents to show that the Terrorist government adopted policies which had been marked out and formulated by the provincial societies; one volume of these documents has been published as *Actes du gouvernement révolutionnaire* (Paris 1920). Cochin's work may be said to continue the tradition of Taine, but to have profited by modern historical method and training. It has exerted great influence on historians of the conservative side, but has scarcely lessened the gap—the true nature of which Cochin himself did so much to make clear—between such historians and orthodox republican historians of the official school.

CRANE BRINTON

Consult: Martin, G., *Augustin Cochin et la révolution* (Toulouse 1926); Goyau, G., "Une belle vie d'historien, Augustin Cochin" in *Revue des deux mondes*, 7th ser., vol. xxxii (1926) 621–53; Lacombe, Bernard de, "Augustin Cochin, historien de la révolution" in *Correspondant*, vol. cccxvi (1929) 822–36.

CODE CIVIL is the title now applied to the instrument embodying the private substantive law of France, framed under the inspiration of Napoleon Bonaparte as first consul and formerly called the *Code Napoléon*. On August 12, 1800, Napoleon promulgated a decree appointing a code commission of four, consisting of Tronchet, president of the Court of Cassation; Malleville, a former judge of the court and a student of Roman law; Bigot de Préameneu, government commissioner of the court; and Portalis, government commissioner in the Prize Court, a Provençal of mediocre parts but philosophic in temperament and a moderate. There was, in fact, little that savored of republicanism in the commission.

The decree of appointment contained instructions to the commission to conclude its work in the ensuing November. While the period seemed absurdly brief, it appeared from what followed that Napoleon really desired from the commission a draft which would afford a basis of discussion; for, upon receiving it, he caused it to be sent to the Court of Cassation and the Court of Appeal for study and comment. Then he sent it to the Council of State for consideration, first by its section on legislation and afterward by the general session of the council. In the discussions before the latter Napoleon took a direct and active part. He presided at many of the sessions and surprised his colleagues with his intimate knowledge of the technical subjects discussed and the freshness of his approach to them.

When the Council of State had at last approved the draft, it was referred to the Tribunate, where it was criticized as a "hasty" production but finally approved, and then to the National Legislature. Opposition there was eventually overcome and on March 21, 1804, the *Code civil* was promulgated.

Attempts at codification had often been made in France; as late as 1793 the Convention had appointed a committee headed by Cambacérès to report a draft within a month. Some have thought that the labors of this committee were utilized by Napoleon's commission. But the committee's product seems to have been too superficial to afford much assistance, and the real sources of the Napoleonic code lay farther back. Doubtless the *Institutes*, both of Gaius and of Justinian, afforded the model of the instrument; but most of the Roman law contained in it seems to have entered through French channels. There were the great commentators: Domat, whose *Lois civiles* had been published in 1694, and Pothier, whose *Traité des obligations* had appeared in 1761 and furnished, it is claimed, "three fourths of the Code"; while "entire chapters" were provided by the *Grandes ordonnances* framed by Chancellor D'Aguesseau before the middle of the eighteenth century.

But other sources can also be traced. In theory at least, Roman law prevailed only in that southern part of France known as *les pays du droit écrit*. Paris, where the code was drafted, was the center of *les pays du droit coutumier*, which furnished also most of the councilors of state. The *coutumes*, however, were no longer unwritten. Those of Paris had been reduced to writing before 1580 and the revised text of that year was used by the codifiers. Decisions of the *parlement* of Paris were also resorted to. Last in the enumeration of sources may be cited the legislation of the revolutionary era, partly included in the *Bulletin des lois de la république française*.

In arrangement the *Code civil*, like Blackstone's treatise and those of other institutional writers, follows *pro tanto* the Gaian order. It is divided into three books which treat respectively of persons (civil status, absentees, marriage, divorce and separation, adoption, legitimation, *patria potestas*, guardianship, interdiction), property (ownership, usufruct and servitudes) and the acquisition of ownership (intestate succession, donations *inter vivos* and testaments, obligations, marital property, liens and mortgages, sequestration). Roman law is evident as a source, for example, in the classification of property and qualified interests and in the law of obligation; the influence of the *coutumes* in the provisions for intestate succession; the decisions of *parlements* in the provisions regulating the status of absentees; the republican legislation in the law of divorce and adoption, subjects on which the code made the earliest provision in modern western law; the law of testaments and the prohibition of entails derive from D'Aguesseau's *Ordonnances*. Although several of its articles deal with remedial adjective law, the instrument is for the most part what it purports to be—a code of private substantive law, the first of such codes unless we include Justinian's *Institutes*.

It will be seen that the *Code civil* contained little, if any, matter which was really original with its framers. What they did was to fuse the materials of the existing law into a new product in which the Roman contributions prevailed but with the Teutonic element not wholly wanting. Broadly speaking, it was the final step in the reception of Roman law in France. Like the contemporary French critics of the code, Savigny later criticized it as "the very hasty work of the known redactors," and such it no doubt was. If, as Amos contends, Napoleon's chief object was "political and legal unity," the special aim of the redactors was conciseness and simplicity. In many particulars of the code these results were attained at the cost of superficiality. Nevertheless, it appeared at the psychological moment when the Latin world, both European and American, had become painfully aware of the need of a restatement of its law. The *Code civil*, being the pioneer, was eagerly accepted as the model and became "to a great extent the code of all the Latin races." From its promulgation to the end of the century no civil code was framed anywhere which it did not profoundly influence, and many of the later codes do little more than reproduce it. In France it has won popular devotion and has become a part of the legal consciousness of the people. While its outward integrity has been preserved, its content has been frequently and substantially modified by subsequent legislation.

Charles Sumner Lobingier

See: Codification; Civil Law; Customary Law.

Consult: *Code civil: livre du centenaire* (Paris 1904); Brissaud, J. B., *Manuel d'historie du droit français*, 5 vols. (Paris 1898–1904) vol. i. tr. by R. Howell in Continental Legal History series, vol. i, pt. iii (Boston 1912); *Cambridge Modern History*, vol. ix (Cambridge, Eng. 1906) ch. vi; Viollet, Paul, *Droit privé et sources: histoire du droit civil français* (3rd. ed. Paris 1905); Lobingier, Charles S., "The Napoleon Centenary and its Legal Significance" in *American Bar Association Journal*, vol. vii (1921) 383–87; Crabites, P., "Napoleon Bonaparte and the Code Napoleon" in *American Bar Association Journal*, vol. xiii (1927) 439–43. See also bibliography following the article on Civil Law.

CODE NAPOLÉON. *See* Code Civil.

CODIFICATION. In its broadest sense, and as used by the historical school of jurists, codification means the reduction of law to written form. It presupposes the advancement of law through the preceding stages of legal history represented by *fas* (will of the gods), *mos* (customary law) and *jus* (judicial precedent), as well as the invention and diffusion of the art of graphic expression. Indeed Maine considers codification "a direct result" of the latter, although he recognizes as a contributing force the popular desire for accessibility of laws. But while codification in this sense is hardly distinguishable from other forms of legislation and marks the end of the purely customary stage of legal development, it does not attempt a complete displacement of custom by written law. In fact the earliest of the so-called codes are little more than partial expressions of long established custom. Thus in the Twelve Tables we find a provision (v, 6) recognizing the ancient *gens* and requiring succession by its members in default of agnates. This had long been the law, attained through a slow process of social evolution in the course of which the whole theory of succession had been revolutionized. In this particular the principle becomes fixed, further change is rendered difficult if not impossible and a new sanction is acquired—the will of the state expressed in written form. But all the while the background of the principle—the nature of the *gens*, its composition and legal status—is left to customary law.

By far the most ancient as well as the most elaborate code of this type was that of Hammurabi, king of Babylon, promulgated about 2100 B.C. It was based upon the preceding customary law and treats quite fully, and often in a fairly modern way, of procedure, property and persons. Probably much influenced by it, although appearing some fourteen centuries later, was the Hebrew "Book of the Covenant" (now contained in *Exodus* xx, xxiii) followed, about a century after, by the "Book of the Law" (*Deuteronomy*, "second law"). These collections mark the progressive transition from Israel's purely customary law.

The classical example of such a code is the Roman Twelve Tables, which did not purport to embody the entire law and were most nearly complete in those subjects lying nearest the heart of the proletariat, such as debt, neighborhood regulations, procedure and funeral ceremonies. Nearly contemporary with the Roman code, although probably quite unconnected with it, was the collection known as the "Laws of Gortyn," recovered less than half a century ago and constituting the nearest approach to a code of early Hellenic law. Hindu law has always been to a great extent customary. Its leading repository, the so-called "Code of Manu" (*Manava Dharma Shastre*), is now believed to be of relatively late origin (400 A.D. by one writer) although containing material of great antiquity. This code, much of which treats of subjects other than law as now understood, was in force in Burma and Siam as well as India.

In China, too, customary law antedates the period of Hammurabi but written law seems likewise to have existed almost from the beginning. There were several early compilations but the most complete, and also the earliest which has come down to us, was the code of the T'ang dynasty, promulgated in 630 A.D. Some of its provisions, departing from the exclusively penal character of its predecessors, treat of marriage. Republished with certain modifications under the Ming dynasty it afforded the basis of the so-called "Manchu Code" (*Ta Ching Lü Li*) of the seventeenth century, which is, of all the Chinese codes, the one known best among foreigners by reason of its partial rendition into English by Sir George Staunton. It is still in force except so far as modified by recent Chinese legislation, including the penal code and such portions of the new civil code as have been promulgated.

In its modern and restricted sense codification means much more than the mere reduction of law to written form; for that process has long since been accomplished in all but the most primitive societies. As mankind advances and laws multiply in number and complexity the need periodically arises for rewriting them with a view to greater accessibility and intelligibility. The earlier codes, being fragmentary, are in due course supplemented by legislation; but this likewise is usually of a piecemeal character and the written law leaves many gaps which must be closed, if at all, by resort to customary law or, what is practically the same, authoritative interpretation.

This may be illustrated from Roman law. The Twelve Tables announce (VIII, 5) the general doctrine of delictual liability, but without specifications. After more than a century and a half that meager provision was supplemented by a *plebiscitum* known as *Lex aquilia* which fixed as the measure of damages for the destruction or injury to property its value within a given period. But for injury the *lex* failed to prescribe the highest value and as late as the time of Gaius this was a disputed point, although some of the jurisconsults interpreted the *lex* as necessarily meaning the highest. It also left unsettled many questions regarding parties and the circumstances under which liability might be enforced. The praetor sought to meet the situation by granting new remedies (*actiones utiles* or *in factum*) in addition to that provided by the *lex* and meanwhile the jurisconsults were busy with interpretations, not always harmonious. Thus long before Justinian's time this particular branch of Roman law—typical of many others—had to be sought not only in the archaic Twelve Tables and the *Lex aquilia* but also in numerous and undigested praetorian *edicta* and still more numerous, and often conflicting, *responsa* of jurisconsults. Justinian solved the difficulty by harmonizing, often through interpolations, this mass of material and incorporating it in one work—the *Digest*.

It was as the repository of such exhaustive consolidations of analogous matter that the *Digest* approached most nearly to a code in the modern sense. Yet it lacks the requisite of scientific arrangement in its larger outlines, not being limited to any one of the law's grand divisions. For while the *Digest* contains more private, substantive law than any work of the *Corpus juris civilis* (*q.v.*) it includes much procedural, not a little public, and even some penal, law. Its predecessor in the *Corpus*, the *Institutes*, in this respect much more resembles a modern civil code, although too limited in scope. Of the others the *Codex* contains more criminal and ecclesiastical law than the *Digest*, but also a considerable amount of private, substantive law; while the *Novellae* deal with all sorts of subjects. Thus none of the Justinian books conforms entirely to the standards of today.

The first vernacular imitation of the *Corpus juris* on an extensive scale appeared in Spain about the middle of the thirteenth century. This was the famous *Siete partidas* of the learned Alfonso. As their title indicates they consist of seven books treating successively of canon law, public law, persons, obligations, property, procedure and maritime law. Although retaining their model's defects in form and arrangement the *Partidas* contain some original features, notably an abundance of legal forms, valuable even today. Through its extension to the Spanish colonies the work has played a part hardly inferior to the *Corpus juris* itself in extending the field of Roman law.

With the exception of Alfonso's code the influence of the Justinian books, which were promulgated in Constantinople, was naturally earliest in eastern Europe. It is noticeable in the *Liber statutorum civitatis Ragusii* (1272) and in the code of King Stephen Dushan of Serbia (1349), which incorporated a considerable amount of ecclesiastical and Byzantine law. "The Renewed Code of Ferdinand II" of Bohemia (1627) likewise embodied canonical doctrines as well as Roman law, but was framed under German rather than Byzantine influence. In Russia, however, the latter was paramount from the beginning. The *Ulozhenie* (Regulations) promulgated by Czar Alexis in 1649 drew from Justinian's *Novellae*, from the *Ecloga*, the *Procheiron* and other works of Basil the Great, as well as from previous Russian legislation, and contain constitutional law, judicial organization, procedure, contracts, property and penal law. However, the *Svod Zakonof* (Collection of laws) promoted by Speransky, the learned chancellor of Nicholas I, and framed by a commission selected in 1826, drew much from the *Code Napoléon*. A new penal code was promulgated in 1903 and the draft of a new civil code was placed before the Duma in 1907. Meanwhile the most purely Slavic code, framed by Professor Bogišić, had come into force in 1888 in Montenegro.

By decreeing the abolition of private property the Russian revolutionists of 1917 assumed that they would thus dispense with the need of either a civil code or a code of civil procedure; while the "people's courts" and other judicial functionaries of the new regime found themselves without a body of legislation to guide them and were obliged to rely on intermittent and unrelated decrees. By 1921 "a new economic policy" was announced, in which private property was recognized. Soon the preparation of a new civil code was undertaken and its drafting and adoption (1922) were carried through expeditiously. Except for its comparative brevity (it contains only 435 articles against 2281 in the *Code Napoléon*, 2385 in the German and 4063 in the Argentine) this code in the essentials of its form does not differ greatly from the others. But while the captions under which its material is classified—persons, property, obligations and inheritance—are reminiscent of its predecessor, their incorporation of the economic and social principles of the new regime give the code a distinctive character. Many subjects are treated in separate decrees. On January 1, 1927, a criminal code came into force, displacing that of 1922.

In northern Europe the earliest expressions of the code idea were in Scandinavia, where the simultaneous foundation in 1476 of the universities of Copenhagen and Uppsala seems to have stimulated the scientific study of law. After a series of commissions and no less than four revisions the *Danske Lov* was proclaimed by King Christian v of Denmark in 1683. It was pronounced by Bentham "the least incomplete of all the codes," although he found much omitted from its five books, which included (1) judicature (courts and procedure) (2) ecclesiastical regulations, (3) municipal affairs and domestic relations, (4) maritime law, (5) obligations, succession, property. Influenced by this code Sweden appointed a commission for codification in 1686 but it was nearly half a century before the final results were realized. The Swedish code of 1734 likewise contains five books, but their order and subject matter are considerably different from those of the Danish code, with which Bentham contrasts it unfavorably. The *Code Frédéric*, or Prussian *Gesetzbuch* of 1751 (later *Landrecht* of 1794), did not purport to be complete, although Savigny favored it more than the *Code civil*. A Sardinian code was produced in 1770, which recognized Roman (which it calls "common") law as its foundation.

But the first instruments which really approximate the modern code requirements are the Napoleonic products of the early nineteenth century. The *Code civil* (*q.v.*), while containing some adjective law, is mainly confined to the private, substantive branch; but it does not exhaust the latter nor is its arrangement approved by the best legal experts of today. The other Napoleonic codes, however—the *Code de procédure civile* (1806), the *Code de commerce* (1807), the *Code d'instruction criminelle* (1808) and the *Code pénal* (1810) effect a delimitation of the fields outside the *Code civil* which has ever since been followed in civil law countries. Whatever criticism they have encountered has been not of their formal features as codes but of their alleged defects in substance. These Napoleonic codes have furnished the model for all subsequent codifications and were themselves the nucleus of a group in which they were reproduced with but few changes. The *Code civil* was adopted in the year of its promulgation in Belgium; in Haiti and Louisiana (largely) in 1825; in Bolivia in 1831; in the Netherlands in 1838; in Costa Rica in 1841 (now superseded); in Santo Domingo in 1845; in Rumania in 1864; in Italy in 1865; in Quebec in 1866; in Portugal and Venezuela (now superseded) in 1867; in St. Lucia in 1876; and in the Siamese draft code of 1908. These codes form a distinctively French group and, in spite of occasional modifications here and there, present a striking uniformity. Through their influence on the Chilean code of 1855 they furnished the model for that of Peru (1855); on this in turn were modeled the codes of Costa Rica (1856), Nicaragua (1871), Colombia (1873, still retained with modifications in the Panama Canal Zone), Guatemala (1877), El Salvador (1880) and Ecuador (1887). Apart from this Chilean group and approaching even more closely to the distinctively French group were the civil codes of Mexico (1870, since revised) and of Honduras (1880). In Argentina, thanks to her eminent jurist Sarsfield, an independent course was followed, resulting in 1869 in the most elaborate code of all, which was adopted in its entirety by Paraguay (1889) and influenced the code of Uruguay (1895). A Spanish group was initiated in 1889 by the *Código civil*, extended in the same year to Cuba, Porto Rico and the Philippines, in all of which it continues with modifications, and was followed closely by the Panama code of 1922.

Distinct from all of these groups, especially as regards arrangement and certain underlying legal conceptions, is the *Gesetzbuch* (German civil code, *q.v.*). Promulgated in 1900 after more than a quarter of a century of continuous preparation, it embodies not only the acme of German juridical philosophy but the national aspiration for legal unity. This great work found a contemporary imitator in the civil code of Japan, was largely utilized by the framers of the Swiss codes (1912), adopted in its entirety by Turkey (1926) and is now being followed in completing the Chinese civil code. The latest among the epoch making codes is that of Brazil, promulgated in 1917 after eighteen years of endeavor. While utilizing German concepts and theories of arrangement it is yet a correct expression of Portuguese law as developed in Brazil.

No survey, however cursory, of modern codification would be complete without reference to the *Codex juris canonici*, which came into force throughout the Catholic world in 1917, marking the climax of nearly nineteen centuries of canonical evolution. It was completed by a commission working under the supervision of Cardinal Gasparri and consists of 2414 canons (corresponding to articles of secular codes) which are distributed among five books under the headings *Normae generales*, *De personis*, *De rebus*, *De processibus*, *De delictis et poenis*. A similar codex prepared or the churches of the Oriental Rite is now approaching completion by a commission of which Monsignor Dherbingny is president.

In England Bentham was the pioneer of codification. "His voluminous writing," says Amos, "had no purpose more distinct nor more recurrent than that." He was not a Romanist nor was he greatly influenced by the continental movement for codification already in full swing before his time. His work produced little apparent result during his long life, but within a generation after his death came evidences of his influence in the codes of India. The reaction of these on British home legislation is apparent in the judicial and procedural reforms of 1873, the Bills of Exchange Act of 1882, the Partnership Act of 1890, the Sales of Goods Act of 1893 and the Marine Insurance Act of 1906. Bentham also contributed to the movement for codifying American law, not only by his writings but also by forwarding to Congress his draft of a proposed code.

More effective, however, in American codification was the continental influence as manifested in Louisiana, whose law was codified early in the nineteenth century, and especially in the work of Edward Livingston. Another New York lawyer, David Dudley Field, inspired also by the continental movement, devoted much of his time after 1839 to the preparation and advocacy of codes of American law. His civil code was adopted in California and the Dakotas and in a modified form in Georgia. His procedural (civil and criminal) codes became the model for those now in force in about two thirds of the states, while many states have also penal (criminal) codes like his. New York state, however, for which all of the Field codes were primarily drafted, adopted only the procedural, and those in a modified form. The Federal Penal Code of 1910 is a late example of this class. In recent years the progressive element of the American bar has concentrated upon uniform legislation, and the conferences of state commissioners for that purpose, beginning in 1890, have resulted in the preparation and adoption throughout American territory of codified sections of the law on important commercial branches like negotiable instruments, bills of lading, warehouse receipts. Since 1923 the American Law Institute has been at work on a restatement of important branches of the common law (contracts, agency, torts) and conflict of laws, which are expected to provide the bases for future codifications.

For half a century or more the codification movement has been tending to become international. The York-Antwerp Rules initiated by the International Law Association in 1877 may be taken as a beginning. The conferences called by the Netherlands government in 1893, 1894, 1900 and 1904 to consider plans for harmonizing the conflict of laws marked some progress, and committees of various organizations are now at work on drafts of special branches for a proposed code of international law. A conference has also met at The Hague for the codification of international law as to territorial waters, nationality and national responsibility for damage to aliens.

According to modern standards a code should have three characteristics differentiating it from ordinary legislation: completeness in containing all the law in force governing the subject of which it treats; logical, scientific and at the same time convenient arrangement; and, finally, clear and concise phraseology which avoids prolixity on the one hand and ambiguity on the other. Thus, while the ancient codes treated of law indiscriminately, although never completely covering any branch, the modern ones purport to cover exhaustively each a special branch. The traditional ones are: civil code (private substantive law); code of commerce (mercantile transactions); penal code (crimes and punishments); code of criminal procedure; code of civil procedure; political code (public law). Some instances, indeed, indicate a tendency to carry subdivision even farther; thus in recent years we have the Indian Contract Act and the Swiss Code of Obligations, the Montenegrin Code of Property and the Indian Evidence Act, while the English speaking nations have nearly all codified their law of negotiable instruments. Definitions and rules for interpretation are no longer considered essential or even desirable features. While the above requisites have operated as ideals in modern codification it is quite generally recognized that they have rarely if ever been attained in any single instrument. "Of all the codes which legislators have considered as complete," said Bentham, "there is not one which is so." It is worthy of note that although the nature of codification is such as to discourage innovation in form, new schemes of arrangement within the particular codes have appeared in the German, Swiss and Brazilian instruments.

"A code," said Austin, "must be the product of many minds." As a rule the great codes, ancient and modern, have been framed by commissions which functioned by a division of labor. Thus, traditionally at least, the Twelve Tables were drawn up by decemvirs, although there are no details as to how the work was done. Tribonian and his associates in preparing Justinian's *Digest* are believed to have distributed their material in three parts, each assigned to a special group of the commission; the first taking institutional or special works, the second, commentators on the praetor's edict and the third, miscellaneous treatises. Meeting in plenary session the commission would call for all material collected by any group or member on the topic under discussion, the most suitable being utilized and the remainder discarded. In the Napoleonic codification selection of personnel played an important part, and while Savigny severely criticizes the attainments of the commissioners they were probably the best available at the time and were certainly calculated to reflect all elements and phases of the old law. The regional principle was employed when the Spanish codifiers were appointed under the royal decree of 1880 providing for a general codification on the basis of the 1851 draft.

Amos, writing nearly sixty years ago, proposed as the successive processes for codifying the laws of England: a commission of three to devise the plan and arrangement, "inviting advice from all quarters"; two assistant commissioners, at least one of whom should be "a barrister in large practice," to draft the text for each grand subdivision, reporting periodically at brief intervals to a commissioner; and finally, submission of drafts to "the very highest legal ability in the country." Very similar to this is the plan of the American Law Institute where each of the main branches chosen for restatement was assigned to a "reporter," supposedly a specialist in that line, with whom later cooperated a group of "advisers," meeting periodically and submitting their drafts to the assembled institute at its annual meeting. The National Conference of Commissioners on Uniform Laws follows a somewhat similar plan. Probably the most extensive use of experts and specialists was in preparing the *Gesetzbuch*. Here we find such names as those of Ihering, "greatest Romanist of our day," Windscheid, Sohm and others of world wide fame. The drafts were submitted to judges and university professors, as well as to commercial bodies, and all were invited to express their views. Munroe Smith declared that "the kind and grade of capacity demanded are higher in the case of the codifiers than in that of the ordinary legislator or judge," and that "the variation from the ideal is greatest in our codifiers." Too often, especially in the United States, have such commissions been overloaded with mere politicians. Amos points out with telling effect the New York codifiers' palpable ignorance of Justinian, to whom they so glibly referred and whose *regulae juris* they attempted to incorporate in their own production. Its ill digested and unscientific character probably had quite as much effect as did hostility to codification per se in finally frustrating David Dudley Field's great project.

Codification by commissions has not been the exclusive method. Notable instances are found, both in ancient and modern times, of codes which were largely, and even entirely, the work of a single individual. Such appears to have been the case with Solon's legislation, with the Montenegrin code of Bogišić, not to mention

Bentham's or the so-called code of Nathaniel Ward of Ipswich. To a great extent Sarsfield was the author of the Argentine civil code and Bevilaqua of the Brazilian.

A priori there would seem to be little room for difference of opinion as to the desirability of so expressing the law in written form as to render it complete, logically arranged, concise and clear. Those are desirable features in presenting formally any body of information. The continental opponents of codification have not usually assailed it in the abstract. Their objections have generally been directed to a particular code, to special features or methods of codification or, as in the case of Savigny, to the time of the undertaking. Although Savigny readily found particular deficiencies in the *Code civil* his essential objection was that the state of French jurisprudence at that time precluded the possibility of producing a truly scientific code. He failed to foresee that codification would bring relief from legal chaos in France, afford a basis for general improvement in the substance of the law and result in the initiation of a world wide movement looking toward restatement and reform.

The truth was that the epoch in question offered conditions which proved highly favorable to codification. With the overthrow of the old regime there arose popular desire for new institutions throughout the social structure. Moreover, power was concentrated in one who sensed the possibilities, political and social as well as legal, of codification. Even before Napoleon's rise to power there had been a republican demand in the Assembly for a code which had resulted in the appointment of a committee functioning under Cambacérès. The failure of this committee to produce anything worth while illustrates the difficulties of codification by means of the democratic process. In such an instrument as a code of law so many interests are affected and so many differences of opinion arise that unless authority exists to overcome them the effort, however well supported by popular sentiment, is apt to fail because of a deadlock.

A circumstance especially favorable to codification is the existence of a nationalistic sentiment in its formative state. It is doubtful, for example, whether the Constitution of the United States, which in a limited sense is a code of public law, could have been adopted much earlier or later than it was. Nationalistic sentiment is in turn promoted by codification. Hammurabi was clearly aided by his code in consolidating his realm; Frederick the Great and Napoleon planned their codes primarily with that end in view. Victor Emmanuel frankly declared that the Italian civil code, which was largely an imitation of a foreign instrument, was "one of the chief factors of national unity." The effect of the *Gesetzbuch*, although then less than a score of years old, in holding Germany intact during the perilous aftermath of the World War can scarcely be estimated. Even the Turks, although unprepared as yet to frame codes of their own, have recognized their importance in promoting national unity and borrowed from Switzerland and elsewhere instruments to terminate the divisive operation of separate legal systems for the various religious communities. The importation of the Swiss code was all the more significant because this code was itself the product of a national movement for legal unity beginning when every Swiss canton had a separate legal system.

In English speaking countries a stock objection to codification has been its crystallizing effect. It is argued that codification displaces that "delicate elasticity" of English law which is "just sufficient to admit of its reaching the most minute modification in a new state of facts without involving any perilous amount of vacillation." This is a legitimate argument against premature codification but it is hardly one against all codification. Premising a certain sequence of legal development it would follow, in this aspect, that the most favorable time to codify a legal system is when it has reached a static, or at least advanced, stage of development, such as that of the Roman law in Justinian's age. Chalmers, the English jurist, criticized the French *Code de commerce* because it was based on the sixteenth century ordinances of Colbert, and French commercial law's "development was thus arrested and it remains in substance what it was 200 years ago." The defect in that instance, however, was not inherent in codification, being partly due to the selection of an antiquated source.

To Munroe Smith, who followed a via media between its extreme opponents and champions, codification involved "the transfer from the courts to the legislature of the future development of all our law; the elimination, as far as may be, of the judiciary as a factor in the making of our law." Such a change he considered undesirable as to that portion of private law intended "primarily to secure the advantage of individuals." He deprecated the use of the term "elasticity" in connection with the common law and declared that "ease of amendment . . . is the chief advantage of judicial legislation," i.e. of "common" over codified law. The former "may be amended by decision. When a case arises which shows that an existing rule of common law was originally ill formulated, or has ceased to express the existing sense of justice, it is in the power of the courts to amend the rule." But, as Sir James F. Stephen long before pointed out, one might need to wait a century or more before "a case arises" which involves the precise point in question. Smith also deplored the diversifying effect of separate codification by each American state and the consequent interruption of that steady nationalization of American law which he viewed as taking place by judicial interpretation, especially on the part of the federal tribunals.

There is little doubt that some branches of law lend themselves more readily than others to codification. The rules determining the consequences of negligence and fraud, for example, may be stated in general terms; but the applications of them are too multifarious to foresee and no codifier has done much more than to fix the standards of conduct. The English law of real property would be harder to codify than the law of negotiable instruments has been; but the prior selection of the latter was due not to any apparent simplicity but to the demands of the commercial rather than the professional classes for its uniformity as well as restatement. In the last analysis any branch of law worthy of the name must be reducible to principles and these are necessarily capable of classification and expression in written or code form. To the objection that "the common law can not be crystallized into forms of words and . . . rules" Munroe Smith well rejoined that it "is not only possible but is in fact precisely what the English and American courts have been doing ever since they began to decide cases."

In modern times there has long been an undercurrent of opposition to the idea of codification. While the code idea has advanced despite this sentiment, practical experience with codification has tended to dispel certain popular illusions as to its merits. The first is that of permanence. Various codifiers have said, and doubtless many more have felt, that their work at least would endure for all time. But such a result is impossible. For codification, like architecture, is at best only a transitory process. The period of transition to a new code may, indeed, be much longer where the work is well done; but the end must come, and usually much sooner than the authors anticipate. The *Corpus juris* had been in force less than two centuries when a successor of Justinian found it necessary, or at least advantageous, to promulgate the *Ecloga.* A shorter period elapsed before the ponderous *Basilika* appeared to supplant both of its predecessors, but it was destined in its turn to give way after some five centuries to the briefer *Hexabiblos*. Most restatements have been far less enduring and while none of the modern codes has been subjected to such an acid test of time many have already been superseded in whole or in part. As the conditions of society change new legislation is required, old problems lose their importance and codes become obsolete, even without formal repeal, by slow attrition on the one hand and slow accretion of new laws on the other.

Another illusion regarding codes is that of the possibility of attaining complete simplicity. Frederick the Great hoped that his code would prove to be so simple that "the whole body of modern advocates will be rendered useless." So the French republicans, according to Barrère, aimed "to make the law simple, democratic, and accessible to every citizen." But this was only another chimera. Clearness we have seen to be one of the requisites of a true code; but that does not mean that it must be equally clear to all minds—to the peasant as well as to the philosopher. Law, like other branches of knowledge, has its terminology and its network of concepts, accumulated through many centuries and often passed on from one civilization to another, as is evidenced by the Roman legal terms in English. Even the Constitution of the United States uses terms like bill of attainder and habeas corpus, which have not only a technical meaning but a long legal background. The technical language should of course be clear to those whose task it is to apply the code, but to go further and attempt to bring the language within the comprehension of the masses is to invite uncertainty and thus defeat one of the prime purposes of a code.

Frederick likewise at first "prohibited all interpretation and ordered that recourse should be had to the legislative power." In this he was but following Justinian and anticipating Napoleon, both of whom forbade commentaries—the normal civil law method of interpretation. But

Frederick was compelled later to withdraw his prohibition, while those of Justinian and Napoleon were ignored. For interpretation arises in response to the need of determining authoritatively whether a particular case falls within that provision of a code which is alleged to govern it. Unless the question can be so determined the case can never be decided and the code fails of its purpose. No codifier, however experienced, can foresee more than a fraction of the myriad questions which may arise under any provision he may frame. On the other hand it cannot be gainsaid that most modern codes anticipate and provide for a greater number of contingencies and future cases than does any consuetudinary system. Codification, then, does not dispense with interpretation but does reduce the need for it. As Sir James F. Stephen remarked, a code may relieve the uncertainty of waiting a century or more for some one to bring a lawsuit in which your question may be decided. Nor is interpretation inimical to codification. Any legal instrument is the richer for being subjected to the scrutiny and construction of experienced jurists applying it to concrete cases. Bryce was not far wrong in attributing to the judicial interpretation of the Constitution of the United States an importance not inferior to the original text. Thus interpretation is at once the normal complement of codification and the measure of its usefulness.

As a corollary from the foregoing is the illusion held by certain of the early advocates of codification that a proper code would make the law so plain as to render resort to the courts unnecessary. That involved, among others, the assumption that litigation results mainly from the law's uncertainty. Of litigation so caused there should be, and probably (for no exact statistics are available) is, less, proportionately, on matters controlled by a code. But experience has demonstrated that litigation continues even though the law itself is clear, increasing with the growth of population, the expansion of trade and industry and the growing complexity of society. But except for the fact that a new and innovating code sometimes requires frequent preliminary interpretation there is nothing to support the countercharge that such increase results from codification. In fine, while codification is intended to introduce further stability, certainty and rationality into the law it is not a prelude to the millennium.

CHARLES SUMNER LOBINGIER

See: LAW; JUDICIAL PROCESS; LEGISLATION; CASE LAW; CORPUS JURIS CIVILIS; CODE CIVIL; GERMAN CIVIL CODE; CUSTOMARY LAW; ROMAN LAW; CANON LAW; CIVIL LAW; COMMON LAW; CRIMINAL LAW; MARITIME LAW; COMMERCIAL LAW; INTERNATIONAL LAW.

Consult: Maine, H. S., *Ancient Law* (10th ed. London 1884); Savigny, F. K., *Vom Beruf unserer Zeit für Gesetzgebung und Rechtswissenschaft* (3rd ed. Heidelberg 1840), tr. from 2nd German ed. by Abraham Hayward as *Of the Vocation of Our Age for Legislation and Jurisprudence* (London 1831); Bentham, Jeremy, *View of a Complete Code of Law*, in *Works*, ed. by John Bowring, vol. iii (Edinburgh 1843) p. 155–210; Amos, Sheldon, *An English Code* (London 1873); Field, David Dudley, *Speeches, Arguments and Miscellaneous Papers*, 3 vols. (New York 1884–90) vol. i, p. 307–483; Behrend, I. Fr., "Die neueren Privatrechts-Kodifikationen" in Holtzendorff's *Encyklopädie der Rechtswissenschaft* (5th ed., Leipsic 1890) p. 389–422; Carter, James C., *The Proposed Codification of our Common Law* (New York 1884); Lobingier, C. S., "The Cradle of Western Law" in *United States Law Review*, vol. lxiii (1929) 572–80, 623–32, vol. lxiv (1930) 8–15, and "The Connecting Link in World Law" in *National University Law Review*, vol. ix (1929) 3–53, and "Napoleon and his Code" in *Harvard Law Review*, vol. xxxii (1918) 114–34; Ilbert, Courtenay, *Legislative Methods and Forms* (Oxford 1901); Smith, Munroe, "State Statute and Common Law" in *A General View of European Legal History and other Papers* (New York 1927) p. 52–109; Cardozo, Benjamin N., *The Growth of the Law* (New Haven 1924); Kantorovitch, J., "The Civil Code of Soviet Russia" in *Yale Law Journal*, vol. xxxii (1923) 779–89; Hudson, Manley O., "The Progressive Codification of International Law" in *American Journal of International Law*, vol. xx (1926) 655–69.

CODRINGTON, ROBERT HENRY (1830–1922), English anthropologist. Codrington's study of primitive life during his thirty years of missionary service in the Melanesian Islands resulted in contributions to anthropology which are best represented by two important works, *The Melanesian Languages* (Oxford 1885) and *The Melanesians* (Oxford 1891). He belongs to that select body of field workers in anthropology who have approached their task with adequate realization of the barriers separating the savage from the civilized mind. Supremely aware that he possessed his "full share" of the "prejudices and predilections" common to missionaries he managed to achieve objectivity by aiming consistently to "set forth as much as possible what natives say about themselves, not what Europeans say about them." With his knowledge of the Melanesian tongues Codrington was able to gather from the spontaneous utterances of the more intelligent natives at least the general import of their beliefs; and very few interpreters of primitive religions have achieved even this degree of success. His famous generalization that "the Melanesian mind is entirely possessed by the belief in a supernatural power or influence called almost universally *mana*" rests in the bed rock of native evidence thoroughly sifted and attested. In stating this principle Codrington confined himself strictly to the facts as found in Melanesia, making no assumption, as later students of the magico-religious have done, that it is of world wide application. Others tend to assume that the mana principle (or "dynamism," as Van Gennep would say) has a validity apart from and in contrast to that of animism; but Codrington faithfully reports that in the Melanesian region the doctrine of mana and the belief in spirits overlap in manifold ways. The widespread speculative and controversial treatment of mana at least illustrates the immense impetus given to science by conscientious and penetrating ethnographic research such as Codrington's.

R. R. Marett

COEDUCATION. The term "coeducation" is commonly understood to mean the education of both sexes in the same institution and in the same classes; it has also been applied to education of men and women in the same university but in separate classes or in affiliated colleges.

Real coeducation is a modern phenomenon. In ancient Greece the sharp separation of the sexes in social and economic life had its reflection in the educational system. Greek women received only a slight literary education and coeducation was unknown. Although the status of women in Rome was distinctly higher than in Greece education of boys was separate from that of girls save in their early years, when plebeian girls were permitted to attend the *ludi*, or elementary schools, in the forum. From the dawn of the Middle Ages until late in the eighteenth century social usage and ideas sharply separated the functions of the sexes, relegating to women housewifely tasks and the rearing of children, and to men all other social, economic, political and intellectual functions. Under such a regime coeducation could not exist.

The late eighteenth and early nineteenth centuries saw the beginnings of coeducation. Pestalozzi, the Swiss educational reformer, taught boys and girls together in his famous elementary school at Burgdorf, which was visited by educators from many countries. Coeducational schools were established by the Society of Friends in several American states after the revolution. Naturally the growth of coeducation could not come about until the desirability of opening educational opportunities to women had been recognized.

The most powerful influence in furthering the view that girls should be given schooling comparable to that of boys was the industrial revolution, which profoundly altered the lives and the status of women. Scores of thousands of women by working exhausting hours in factories demonstrated that women could achieve economic independence. Little by little this fact was recognized not only by public opinion but by law, one civilized state after another acknowledging the rising status of women by revising in the direction of independence for wives legal codes which had so long borne hardly upon women.

As a further consequence of the economic revolution women of the middle classes, who for centuries had been chained to the spinning wheel and the loom, now enjoyed considerable leisure with a resulting demand for increased educational opportunities.

These developments, in a milieu pervaded by a democratic ideology assuming equality of opportunity for all and state responsibility for the education of the nation's children, combined to pave the way for the growth of coeducation. The discovery that segregated schools were more expensive also aided the spread of coeducation.

These factors have operated more potently in America than in Europe, where ancient traditions of segregation have proved a greater obstacle to coeducation. In Catholic countries the power of the church has been consistently exercised against coeducation, at least in any school above the elementary. In general, equality of educational opportunity has been interpreted in European countries as signifying nothing more than the opportunity for girls to study much the same subjects as boys, with much the same methods of instruction; nor has the feminist movement exerted any significant influence in changing this situation except in the realm of higher education, being apparently content on the whole to accept segregation of boys and girls in secondary schools so long as these institutions afforded to girls approximately equal opportunity to secure preparation for the university or for a vocation. True, in cities or small towns, where no special secondary school for girls exists, it is not uncommon for girls to be admitted to the boys' school. But coeducation under these circumstances has been described as a last resort (*pis aller*), adopted only for economic reasons.

Elementary coeducation is general only in Holland, Switzerland, Jugoslavia and Greece, although it is by no means uncommon in Great Britain.

Answers to a questionnaire circulated extensively among European teachers of secondary schools in 1929 revealed that a large majority of countries provided segregated secondary schools but tended to make programs and methods identical save for gymnastics and manual work. Although boys and girls in France are instructed in separate *lycées* or *collèges* the programs of study leading to the *baccalauréat* have been since October, 1924, practically identical. In England and Wales the public schools controlled by the Board of Education and receiving state subsidies are preponderantly of the segregated type. In the Irish Free State, Belgium, Germany, Austria, Hungary, Spain, Italy and Greece coeducation is not favored in secondary schools.

On the other hand, a few countries have been trying out coeducation with more or less satisfactory results. An interesting type of secondary school has recently appeared in Hamburg, Bremen and a few other German cities. These so-called "community schools" (*Gemeinschaftsschulen*) are frankly experimental in character and have introduced the innovation of coeducation as a part of a calculated policy of minimizing sex distinctions in response to changed social conditions. In Poland, in 1929, 26.7 percent of the total public and private secondary schools were mixed. Holland, Jugoslavia and Russia are the only European countries in which the majority of secondary schools are coeducational. In Holland there are no secondary schools solely for boys and only one fifteenth of the total secondary schools are reserved for girls. Jugoslavia reported in 1928–29 that 75 percent of her public secondary schools were mixed. Soviet Russia has adopted a deliberate policy of coeducation from the elementary school through the university. When the historical status of women in Moslem countries is considered it is significant that Turkey recently became interested in coeducation and in 1927 tried the system in several middle schools. European universities are almost without exception open to qualified women, who have flocked to them in ever swelling numbers since the World War.

The history of coeducation in the United States presents a sharp antithesis to that in Europe. Murray's *New English Dictionary* and the *Standard Dictionary* state that the term "coeducation" originated in the United States. In the colonial era girls were generally excluded from the boys' schools with the exception of the dame schools and the elementary schools in Dutch New Netherlands. But after the revolution the elementary and secondary schools of the new states were gradually opened to girls. Most of the early high schools dating from the eighteen twenties and thirties were boys' schools. Coeducation was forced to wait until public opinion had been converted to a belief in secondary education for girls. This belief spread rapidly after 1850 and the tendency toward coeducation in public high schools became increasingly powerful. In 1926 out of an estimated number of public secondary schools of 22,500, only 102 of the segregated type were reported, most of these being established in old eastern cities. On the other hand, many such private schools and academies exist in the United States. In 1928, 74,954 boys and 78,775 girls were enrolled in segregated private secondary schools, while 115,520 were receiving instruction in coeducational private schools. Colleges and universities have not so wholeheartedly accepted coeducation as have the public high schools. Not only are certain endowed universities, such as Harvard, Yale and Princeton, all but closed to women, but the state universities of Virginia and North Carolina admit women only under restrictive conditions. One compromise in the struggle arising out of proposals to open American universities to women has been the coordinate college, such as Barnard and Radcliffe at Columbia and Harvard respectively, where women are offered substantially the same curriculum as in the men's division and under the same general auspices. Approximately 100 separate colleges, exclusive of junior colleges, have been established for women, with an enrolment of 41,180 in 1925–26. Most of these colleges are located in eastern, southern and central states.

Economy has been a cogent reason for the adoption of coeducation in the United States. The leaders of the free school movement were not slow to see that the same standard of excellence in grading, instruction and equipment could not be maintained in segregated schools without a much larger teaching force than would be required in coeducational schools. Democratic theories have also played their part in the outcome. A Bureau of Education *Circular* (no. 2, Washington 1883) summarized reasons for adopting coeducation sent in by more than 500 cities. Several cities gave as their motive "justice to both sexes"; 14 declared the system to be more "impartial"; 158 declared it to be "beneficial" to both sexes; 101 favored it as "economical," 81 as "customary," 78 as "convenient" and 59 as "natural." In 1902 an educator explained the prevalence of coeducation in the West as follows: "The necessities of frontier conditions and the influences of education by the state paved the way for educating them [both sexes] together."

When American women had achieved a measure of economic and legal independence in the sixties and seventies they worked individually and collectively to extend the opportunities for higher education to their own sex. Unquestionably feminist influence has been powerful in America, both in bringing about coeducation in state universities and in securing the foundation of separate and affiliated colleges for women.

Somewhat of a reaction against coeducation set in about the opening of the twentieth century and various difficulties were brought to light by critics of the system. It was asserted, and still is in some quarters, that women need a course of study and methods of instruction that take more account of their peculiar psychological nature and needs and of the special social demands that will be made upon them. Critics have also cited as arguments against coeducation: the moral problems created by the free association of girls and boys in high school during the unsettled period of early adolescence; the election by college women of the humanistic subjects in such numbers as to drive the men from those courses on the ground that they are "feminine stuff," thus depriving men of the liberal culture they greatly need; the difficulties created for deans of women and deans of men in coeducational universities by the round of social activities participated in by men and women who are so absorbed in the opposite sex that they develop no serious interest and purpose in study; the more rapid mental development of girls after the twelfth year, often resulting in superior class work on the part of the girls and discouragement of the boys; competition with boys and men in meeting the exacting intellectual standards of high school and college, which is injurious to the health of young women. Of these last two contradictory criticisms the latter has been so abundantly refuted by investigation that it is rarely heard at present.

On the other hand, the advocates of coeducation point out that: the whole trend of modern social and economic life is in the direction of a closer approximation of the interests, activities and life work of men and women and requires similar education; if men and women are to work and play together and to strive for common ends they should learn to understand and appreciate each other by being educated together; there is considerable testimony of educators to the effect that except in occasional instances the daily association of adolescent boys and girls has, instead of affecting morals adversely, lifted the moral tone of coeducational schools above that of segregated institutions; men and women educated in common run together better "in the harness of married life"; the rich and varied offerings of our coeducational high schools and colleges make it possible for each sex to choose those courses which best meet individual tastes, talents and life purposes; if men are driven from the humanistic courses by the presence of women in the classes the solution of the difficulty would seem to lie, not in banishing women, but in educating young men to accept association with women in college, as in life, as a matter of course.

In recent years there appears to be a trend in American education toward differentiating the education of men and women in the secondary and collegiate stages. Increased stress on home economics courses in high schools, courses in euthenics at Vassar which include study of the physical and mental development of the child, and the Institute for Coordination of Women's Interests at Smith are indicative of this tendency. Whether these specialized courses will be widely elected by women cannot yet be determined, but their development in coeducational institutions may well dissipate many objections to coeducation founded on the view that women have special interests and needs that demand special educational treatment, without abandoning such advantages as coeducation provides.

WILLYSTINE GOODSELL

See: EDUCATION; PUBLIC EDUCATION; EDUCATION, SECTARIAN; UNIVERSITIES AND COLLEGES; WOMAN, POSITION IN SOCIETY.

Consult: Bureau International des Fédérations Nationales du Personnel de l'Enseignement Secondaire Public, nos. 24–26 (1929); Goodsell, W., *The Education of Women* (New York 1923) p. 122–38; Olin, H. M. R., *The Women of a State University, an Illustration of the Working of Coeducation in the Middle West* (New York 1909); U. S. Bureau of Education, *Report of the Commissioner of Education, 1891–92* (Washington 1894) pt. i, ch. xxvi; Wolfe, W. B., "Why Educate

Women?" in *Forum*, vol. lxxxi (1929) 165–68; *Coeducation*, ed. by A. Woods and others (London 1903); Woody, T., *A History of Women's Education in the United States*, 2 vols. (New York 1929) vol. ii, ch. v; Descamps, Paul, "La coéducation en Angleterre" in *La grande revue*, vol. cxiii (1923–24) 299–328, 643–63; Brons, B., "Ueber die gemeinsame Erziehung beider Geschlechter in den höheren Schulen" in *Deutsche Zeit- und Streitfragen*, n.s., vol. iii (1889) 481–528; Lochner, Rudolf, "Geschlechtertrennung und Geschlechtervereinigung im deutschen Schulwesen der Vergangenheit" in *Pädagogisches Magazin*, vol. cmlvi (1923); Pestalozza, Hanna von, "Der Streit um die Koedukation in den letzten 30 Jahren in Deutschland" in *Pädagogisches Magazin*, vol. ccmlxxvi (1922); "Die Seelischen Unterschiede zwischen den Geschlechtern in der Reifezeit und ihre Bedeutung für den gemeinsamen Unterricht" ed. by O. Tumlirz and others in *Pädagogisches Magazin*, vol. mcl (1928).

COEN, JAN PIETERSZOON (1587–1629), founder of Dutch power in the East Indies. As a young man Coen studied commerce, especially in Italy, and in 1607 he entered the service of the East India Company. In 1613 he became director general of the Dutch factories in the East Indies; from 1619 to 1623 and from 1627 until his death he was governor general in active service.

Coen, like the Portuguese Albuquerque, definitely fixed the direction of his country's colonial expansion. The Dutch East India Company from its founding in 1602 until Coen's assumption of supreme power had merely maintained a few small factories in the Malay Archipelago, the governors general traveling from one to another with the fleet which gathered the spice crop. Coen realized the utility of establishing strong settlements and a real central base. In 1619 he founded Batavia, which he made the seat of administration, and subsequently strengthened the position of the company in Java and the Spice Islands by the foundation of military posts. His task was made difficult by the presence of the competing English, whom he could not fight openly because of the alliance between the United Provinces and England. Coen did succeed in making their existence difficult, however; he was morally responsible for the massacre of Amboina in February, 1623, when twelve Englishmen (according to some authorities, nine) were condemned to death by the head of the Dutch factory. Coen was so hated by the English that in 1624 they caused the Estates General to forbid him to return to the Indies, and he was able to rejoin his post only by making use of a subterfuge. On his arrival in Batavia the English left the city and Dutch superiority in the East Indies was definitely assured.

Toward the natives Coen was strict and even cruel, his conduct being the almost inevitable consequence of company orders to establish commercial monopoly. His importance as an early colonial leader has only recently been recognized.

Charles De Lannoy

Consult: Colenbrander, H. T., *Jan Pietersz. Coen, Bescheiden omtrent zijn bedrijf in Indië*, 5 vols. (The Hague 1919–23); Bokemeyer, H., *Die Molukken* (Leipsic 1888) ch. v; Deventer, M. L. van, *Geschiedenis der Nederlanders op Java*, 2 vols. (Haarlem 1887); Lannoy, Ch. De, and Linden, H. vander, *Histoire de l'expansion coloniale des peuples européens*, 2 vols. (Brussels 1907–11) vol. ii, p. 67–73, 111–18. For a short popular biography, see Huijbers, F. H. M., *Jan P. Coen* (Utrecht 1914).

COERCION as a trait of human behavior may be said to obtain wherever action or thought by one individual or group is compelled or restrained by another. To coerce is to exercise some form of physical or moral compulsion. Among human beings the nature and significance of coercion may be specified in terms of: the prior relations of the coercer and the coercee; the specific forms which the act of compulsion takes; and the act's total consequences during a certain period of time. A coercionless society is inconceivable. Coercion takes place whenever two or more living organisms different from one another live together.

Their compulsions and restraints may be direct or indirect. The indirect make up much of what is called the social order, but the sense of direct coercion always imminent is no small component in their sanction. It is the force in conscience and underlies much that is normal as well as neurotic in human behavior. Neurotics suffer from repressions in which the repressing agent is a desire or an attitude—called by psychoanalysts "censor"—set up and sustained by the ineffable mores of the community in which the sufferer grows up. Operating automatically with unchallenged authority the mores establish as habitual the conflict in an individual's life wherein his neurosis consists. If it is not recognized as the consequence of coercion by society it is because the coercion is reflex and automatic, incorporated, so to speak, in the personality of the coercee.

Where a coercion is not so incorporated it is recognized and is called coercion. When it is direct we call it physical; when indirect, moral. Both compel or restrain conduct by *force majeure*. The force lays down the performance gradients along which the action unwillingly takes place.

Whether such coerced action is sanctioned depends upon the prior relations of the protagonists. Where these are not implied by the institutional structure of society, but are chanceful or episodic, the coercee committing, say, robbery or murder under the threat of death, is not held responsible. But where the protagonists are related as parent and child, master and servant, principal and agent, the coercee is held responsible. It would seem that the relations of coercer and coercee are regarded as not extensible from sanctioned to disapproved coercions. Sanctioned coercions are identifiable through the fact that they evoke conformity (*q.v.*), Under sanction, coercer and coercee are presumed to be members of each other on the analogy of parent and child in the family. The coercive intent is generally acknowledged as good, in itself or by its consequences, for both protagonists. It is this sentiment which sustains the legal system, taxation, compulsory education, established religion, the forms of manners and morals current and all those modes of coercion which are used in times of national crisis, such as war, pestilence or famine. The presumption is that security and other advantages accrue to the coercee—in the case of punishment for crime, security from subsequent coercion. This presumption both rationalizes and sustains what is in the end the brute, irrational superior force, actual or fancied, on which coercion depends.

It is customary to assume that sanctioned and unsanctioned coercions differ in kind. No such difference appears on analysis. An unsanctioned coercion is one operated by an outsider. The outsider is such only because he does not belong, according to custom or law, to the "duly constituted authority" in a given field. He has no "sovereignty," he is an interloper. According to the scale and range of his operations he may be anything from a highwayman to a Bonaparte, a cipher in a lynching mob to a volunteer crime commission or vigilance committee. The higher his scale and the wider his scope the more likely are his coercions to acquire those sanctions which convert unwilling deeds into willed duties and shift the emphasis from the coercer to the coercee, from coercion to conformity. Sanctions accrue to an act by an initial conformity with the mores through the repetition of long established usage and through assumed satisfactory consequences to the community as a whole. Usage has sanctioned the boss system in American politics; recency keeps its equivalent in other fields, known as "racketeering," an unlawful form of coercion. Lynching, although a statutory crime, is so congruous with the southern mores that it goes practically unpunished there. For the same reason the Eighteenth Amendment can be enforced hardly anywhere in the United States. On the other hand, because of the satisfactory consequences presumed to accrue from them, compulsory education and the income tax meet with conformity close to free consent. The sanctions described establish the only discernible differences between blackmail and taxation, between graft and tribute or "reparations," between conscription and forced membership in labor unions and trade associations or churches.

Most social coercion is indirect; it only threatens force. Its statutory formula is, "under the penalty of the law." But all coercions involve fear of penalties. Without belief that the coercer can and will impose penalties no indirect coercion can be effective. Authority, which is the sanctioned exercise of indirect coercion, rests upon and is nourished through this belief. The coercer is credited with the power to impose feared penalties and his authority holds only so long as his credit is good. The credit may accrue to him variously: through once making his authentic force directly felt (as does a highwayman or a successful pugilist); by delegation from another (a notion which is a component in all views of the source of authority—such as theories of divine right, natural right, legal right—since they all refer back to an ultimately supernatural original source); by chance or coincidence leading to a delusory belief that the coercer actually possesses delegated power.

It may be doubted whether these modes of establishing credit for coercive strength could long sustain it except for the lengthy period of direct coercion and authority practised by adults upon the young. The prolonged human infancy carries with it prolonged subordination and dependence of the young upon the old. This creates in each new generation a habit of submission and obedience and at the same time a belief in the strength of the old which long outlives this strength. Thus authority, as *patria potestas*, survives the power to enforce it; it lives on the mores into which it has become incorporated and they sustain it arbitrarily. With the growth of society, the division of labor and the specialization of functions the scope of the habit of submission spreads from parent to school, church, state and to all the other institutional forms and persons that serve as emotional surrogates for the *patria potestas*. Surrogates must either harmonize with a community's mores or be able to destroy them. The latter is possible only to radical alterations of the conditions of social life, like machine industry. Hence dictatorships, even of revolutionary origin like Napoleon's or Mussolini's, and civil disobedience like Gandhi's, can flourish, while "dictatorship of the proletariat" makes industrialization its basic effort. Under conditions of crisis or catastrophe—war, pestilence or famine—enhanced coercion such as dictatorship is often set up because the mores are relaxed, men are at loose ends, standards and conventions go by the board, society tends to break down from an organization of institutions into an aggregation of individuals and a succession of mobs. Sometimes the opposite occurs, coercion at one point being compensated for by looseness at another: as in the antithesis between the puritanic character of American mores in matters of sex and art and the unscrupulousness of business practise.

Social inheritance and thence civilization rest on the primary coercion of youth by age. Tradition and custom rest upon the ineradicability of experience imposed on infancy and upon consequences to the individual through membership in a group. When faith fails that the latter are good, coercion awakens resistance, countercoercion; "civil disobedience" gets described as duty; government faces rebellion; church faces dissent. The upshot of such confrontations is either the extirpation of the opposition or the multiplication of sovereignties.

In western thought coercion became a moot question in politics with the consolidation of monarchical states; in religion with the success of the Lutheran heresy. Hobbes' *Leviathan*, Spinoza's *Tractatus politicus* and *Tractatus theologico-politicus*, Locke's essays on *Civil Government* and on *Toleration* attest the rise of the question through the confrontation of practically equal powers and the consequent need of each side to rationalize and justify its own desire. Since Locke the logical defense of coercion has become more and more difficult. Thinkers like Godwin, in his *Political Justice*, reject it altogether and the philosophy of anarchism has followed his lead. Its logic is infallible but, since coercion is inherent in the nature of things, barren. The utilitarians appear to have pursued a more fruitful line of analysis. Philosophers of the industrial revolution in England, they argued against the restrictions of society upon enterprise and innovation, maintaining that natural coercion is enough; "laissez faire," they said; the consequences determine whether a coercion evokes conformity or rebellion. So contended Bentham in his *Principles of Moral Legislation* and Mill in his *Liberty*. Their views have influenced considerably the later developments of law and business practise; in the speculative domain they have been superseded by others which draw heavily upon the biological and psychological disciplines.

HORACE M. KALLEN

See: SOCIETY; SOCIAL PROCESS; CUSTOM; TRADITION; GROUP; PUBLIC OPINION; CONVENTIONS, SOCIAL; CONFORMITY; MORALS; CRIME; LAW; GOVERNMENT; AUTHORITY; SANCTION; FORCE; OBEDIENCE, POLITICAL; APOSTASY AND HERESY; PROSELYTISM; CONTROL, SOCIAL; CENSORSHIP; LIBERTY.

COEUR, JACQUES (1395–1456), French merchant and financier. Coeur (or Cuer), the son of a small merchant of Bourges, became inspired as a result of his early travels in the Levant to try to free French commerce from the control of the Venetian and Genoese merchants. He organized and solidified the French markets and made Montpellier an important center of Levantine trade. He owned and operated a large commercial fleet, had more than three hundred factors in branch houses throughout the land, operated a silk factory at Florence, a paper mill at Bourges and mines of silver, lead and copper, ran a large passenger service for pilgrims to the East and amassed a fortune estimated at twenty-seven million francs. Coeur placed his riches at the disposal of Charles VII for the recovery of the kingdom and became first the king's master of the mint and later his steward. His position of power and eminence and his lack of scruple, however, aroused the hatred and jealousy of the petty merchants. They brought about his arrest and trial on the charge of having poisoned the king's mistress. Coeur managed to escape to Rome in 1455, was well received by Pope Calixtus III, but died the following year at Chios.

Banker and creditor of king and lords, honored by the pope and raised to the nobility by the king, in touch with the rulers of the East and the great merchants of the world, patron of the arts and displayer of an aggressive luxury, Coeur is a typical representative of the rising bourgeoisie of the late Middle Ages which became allied with the crown against the old landed aristocracy. He gave the needed impetus to the entrance of the merchant class into public life and heralded their increasingly important participation in the disposal of all significant matters of state.

Henri Hauser

Consult: Clément, Pierre, *Jacques Coeur et Charles VII* (new ed. Paris 1865); Prutz, H., *Jacques Coeur von Bourges* (Berlin 1911); Kerr, A. B., *Jacques Coeur* (New York 1927); Bouvier, R., *Un financier colonial au* xv^{e} *siècle, Jacques Coeur* (Paris 1928).

COFFEE. *See* Plantation Wares.

COGHLAN, TIMOTHY AUGUSTINE (1856–1926), Australian statistician and civil servant. With the exception of unimportant intervals Coghlan devoted his life to public service in New South Wales. After working in the departments of Public Instruction and Public Works he was appointed in 1886 to the newly created position of government statistician and served in this capacity for nineteen years. He was a member of the Public Service Board, chairman of the Central Board of Old Age Pensions and Registrar of Friendly Societies. In 1905 he was appointed agent general for New South Wales in London, a position he filled almost continuously until his death. He served on various royal commissions and represented the Commonwealth of Australia on the Pacific Cable Board. He was a fellow and member of Council of the Royal Statistical Society, London, and a member of the Institut International de Statistique.

As government statistician, a position for which he had originally no particular training, Coghlan was responsible for the compilation of a number of valuable statistical summaries, some of which covered not only New South Wales but also the six other Australian states. He directed the censuses of 1891 and 1901 in New South Wales and he manifested a keen interest in vital statistics. He attempted an enumeration not only of the deaf, dumb and blind but also of the sick and infirm according to age and occupational groups. In the field of vital statistics his special studies include the *Decline in the Birth-Rate of New South Wales* (Sydney 1903) and *Childbirth in New South Wales* (Sydney 1899). He was responsible for the compilation in 1892 of the first official life table in any of the Australian colonies. The special reports on vital statistics for New South Wales, still being published, were inaugurated in 1899, while he was in office. One of his most important works was the four-volume *Labour and Industry in Australia* (London 1918), in which he traced the influence of such factors as immigration, land legislation, prices and political action from the first settlement in 1788 to the establishment of the commonwealth in 1901.

Charles H. Wickens

COGNETTI DE MARTIIS, SALVATORE (1844–1901), Italian economist and sociologist. Cognetti endeavored to found a positivist school which would reconcile the classical and historical traditions and introduce the exact inductive method of physical science which Herbert Spencer had applied to the biological and social sciences. His theory and discussion of its application are to be found in *L'economia come scienza autonoma* (Turin 1887; first published in *Giornale degli economisti*, 2nd ser., vol. i, 1886, p. 166–203) and "Lo spirito scientifico negli studi sociali" (in *Riforma sociale*, vol. ii, 1894, p. 673–92). His two most important works are *Le forme primitive nella evoluzione economica* (Turin 1881) and *Socialismo antico* (Turin 1889). In the former Cognetti traced the evolution of major economic phenomena (division of labor, production, exchange, etc.) from the purely functional activity of self-preservation to the most developed forms of animal and human society. In *Socialismo antico* he employed the same genetic method to trace the forms of the ideal state through the centuries and to discuss the imaginary systems for the attainment of social happiness. As editor of the fourth series of the *Biblioteca dell' economista* Cognetti was guided by similar scientific standards.

P. Jannaccone

Other important works: *L'evoluzione della vita e della coltura economica* (Turin 1896); *I due sistemi della politica commerciale*, 2 vols. (Turin 1896); "Formazione, struttura e vita del commercio" in *Biblioteca dell' economista*, 4th ser., vol. ii (1899) pt. i, p. i–cxliv; "Le più recenti indagini statistiche sugli Scioperi" in R. Accademia delle Scienze di Torino, *Memorie*, 2nd ser., vol. xliv (1894) pt. ii, 1–20; *Abrams Lincoln* (Mantua 1873); "La circolazione della ricchezza negli Stati Uniti d'America" in *Biblioteca dell' economista*, 3rd ser., vol. i, 47–151; "Il socialismo negli Stati Uniti d'America" in *Biblioteca dell' economista*, 3rd ser., vol. ix (1891) pt. iii, 1–304.

Consult: Jannaccone, P., *Biblioteca dell' economista*, 4th ser., vol. v (1901) pt. ii, p. clxxxi–ccvii.

COHEN STUART, ARNOLD JACOB (1855–1921), Dutch economist. After finishing his studies as a civil engineer at Delft in 1878 Cohen Stuart entered the civil service in the Dutch East Indies. There he distinguished himself by a courageous attack on the technical methods of the higher officials in the form of a study of the port of Tandjong Priok. He returned to the Netherlands in 1884, where he took up legal and economic studies at the University of Amsterdam. Attracted to the problems of progressive taxation by an appeal by Pierson in *De gids* (4th ser., vol. vi, pt. 1, 1888, p. 287–318) for a mathematical treatment of these problems, Cohen Stuart followed in the footsteps of a group of Dutch economists, including Pierson, Treub and Cort van der Linden, who had studied progressive taxation in the light of an application of marginal utility theory to the doctrine of equal sacrifice. His brilliant doctoral dissertation *Bijdrage tot de theorie der progressieve inkomsten belasting* (Contribution to the theory of the progressive income tax; The Hague 1889) is a classical treatment of the problems arising from the search for a scale of progression which distributes the burden of taxation according to equality of sacrifice. After an acute formulation of the distinction between the concepts of "ability to pay" and "equality of sacrifice" Cohen Stuart comes to the conclusion that just taxation involves taxing the individual "in such a way that for every one the amount of enjoyment (*genot*) of which he is deprived through the tax may be proportional to the total amount of enjoyment attainable through his economic condition, with the exception of the part which is required for the satisfaction of his absolutely necessary wants." Thus stated the problem becomes one of the mathematical relation between enjoyment and income, and Cohen Stuart first proved that the arguments used thus far (based on the assumption that greater incomes are worth relatively less than smaller ones because of the decreasing intensity of human wants) do not necessarily lead to progression, but that the possibilities of proportionality or even regression remain. He then attempted to construct his own ideal curve of progression, based on hypothetical data. His attempt has been criticized by Seligman on the ground that his conclusions depend "not only on the arbitrary assumption of a definite ratio of marginal utilities, but also on the equally arbitrary assumption of a definite minimum of subsistence." Although he was twice seriously considered for the chair of economics at Amsterdam, Cohen Stuart failed to find a place in academic life. After a distinguished career as a consulting specialist he accepted a position with the Royal Dutch Petroleum Company in 1900 and became one of the leaders in its development.

HARRY D. GIDEONSE

Consult: Edgeworth, F. Y., in *Economic Journal*, vol. xxxi (1921) 414–15; Sandick, R. A. van, in *De ingenieur*, vol. xxxvi (1921) 604–06; Seligman, E. R. A., *Progressive Taxation in Theory and Practice* (2nd ed. Princeton 1908) p. 218–23, 278–84.

COHN, GEORG LUDWIG (1845–1918), German jurist. He was at first professor at Heidelberg and later became rector of the University of Zurich. He was a pioneer in German comparative jurisprudence, his special field being comparative commercial law, particularly the law of exchange and of checks, interests which grew out of three years' practical banking experience. Although Cohn was not the first German jurist to comprehend the importance of the studies of foreign law for the development of German codification, he was undoubtedly one of the first and most important propagators of the idea of the unification of the international laws of exchange. His program was somewhat reminiscent of the suggestions of Accarias de Sérionne (1706–92) and of the recommendations of his Dutch contemporary, T. M. C. Asser (1838–1913). To further the realization of his proposals Cohn published a series of studies on the modern codifications of the different European countries as well as of the United States. His greatest contribution, however, was the founding with Professor Bernhöft in 1878 of the first German review of comparative jurisprudence, the *Zeitschrift für vergleichende Rechtswissenschaft*, in Stuttgart. Cohn represented the modern branch of the new science, while Bernhöft occupied himself chiefly with the historical branches. The review came to exercise great influence upon the development of comparative jurisprudence in Germany, especially after Josef Kohler became co-editor in 1882; the most important of Cohn's own works were published in its volumes. His labors in the field of old German law were of comparatively less importance.

LEONHARD ADAM

Consult: Kohler, Josef, in *Zeitschrift für vergleichende Rechtswissenschaft*, vol. xxxv (1918) 479–80.

COHN, GUSTAV (1840–1919), German economist. Cohn taught at the Riga Polytechnic from 1869 to 1872 and after spending a few years in England became professor at the Zurich Polytechnic in 1875. In 1884 he was called to a chair in Göttingen, where he remained for the rest of his life.

Cohn was not primarily a theorist. In his writings on general economics, which include the first volume of his *System der Nationalökonomie* (3 vols., Stuttgart 1885–98) and some articles in the collections *Volkswirtschaftliche Aufsätze* (Stuttgart 1882) and *Nationalökonomische Studien* (Stuttgart 1886), he endeavored to synthesize the classical doctrines with the newer historical and social tendencies and laid particular stress on the social-psychological and ethical factors in economic life. These works are marked by a philosophic breadth of view and an unusual felicity of style and earned for him in Germany the reputation of the foremost economic essayist of his time.

Cohn's important contributions were made in the fields of transportation and public finance. His *Untersuchungen über die englische Eisenbahnpolitik* (2 vols., Leipsic 1874–75), based on several years of close study, laid the foundation for all subsequent treatises on railway theory and policy such as, notably, A. T. Hadley's *Railroad Transportation* (New York 1886). In this work Cohn utilized for the first time the rich mine of materials found in the proceedings of parliamentary commissions, but he did not always allow for the fact that testimony before the commissions was often in the nature of special pleading. He was a strong advocate of railway amalgamation and government ownership and an equally strong opponent of canal construction. The *Untersuchungen* were supplemented by *Die englische Eisenbahnpolitik der letzten zehn Jahre (1873–1883)* (Leipsic 1883), the chapters on transportation in the third volume of his *System* and the articles collected under the title *Zur Geschichte und Politik des Verkehrswesens* (Stuttgart 1900).

Cohn was one of the famous quartette, of which Roscher, Lorenz von Stein and A. Wagner were the other members, who may be said to have founded the modern science of public finance. Beginning with *Finanzlage der Schweiz* (Zurich 1877) he remained the typical German exponent of the liberal Swiss ideas. His *Finanzwissenschaft* (vol. ii of the *System*, 1889) is particularly striking in its discussion of equities in taxation, dealing with such angles of the problem as the minimum of subsistence and the doctrine of graduation. The English translation of this work (by T. Veblen as *The Science of Finance*, Chicago 1895) was, however, so deficient in form as to make little impression. He summed up some of his later contributions to finance in *Zur Politik des deutschen Finanz-, Verkehrs-, und Verwaltungswesens* (Stuttgart 1905).

Edwin R. A. Seligman

COINAGE. Previous to the invention of coinage practically all movable goods, sometimes even immovable property, like the carved rocks (*feis*) on the island Yap, were used as means of exchange or standards of value. Sometimes also a number of such objects were related to one another so as to represent a scale of values. Primitive peoples employed as money in intratribal exchange goods which served as the customary evidence of wealth in the community, and in trade with outsiders the selection of goods for monetary uses was determined by the preferences of the alien merchants. It is probable that systems of weights were first introduced in order to measure the precious metals. After such systems came into general use valuable raw materials in place of finished goods began to be used as money. This trend could be observed most clearly in the case of metals, which beginning with iron, copper and brass gradually superseded primitive media of exchange. The ancient civilizations reached this stage of development about the eighth century B.C., China even earlier, and in modern times savages were found to have approached it in many instances. In the West the first known example of coinage is recorded as occurring in Lydia, where in the seventh century B.C. stamped pieces of electrum, a mixture of silver and gold, were produced.

The choice of the metals was dictated at all times by immediate economic needs and opportunities rather than by the prescriptions of the ruling power. The development of wealth and commerce, however, soon overcame the limitation upon the choice of the metals which had been due to their geographical distribution. In this manner may be interpreted the choice of silver and later of gold in ancient Greece as well as the use in Rome immediately after Caesar's death of gold coins to supplement brass and silver coinage. In the early Middle Ages, because of the predominance of barter, only copper and silver were coined, with the exception of the temporary minting of gold under Carolingian rule. As a demand for the larger coins subsequently arose gold was reestablished, beginning with the Florentine florins and the Venetian zecchinos. Gold has ever since been the favored money metal, especially in international trade.

The development of the technique of coinage was rather slow. Nevertheless, the Greek and Roman world, thanks especially to the initiative of Athens, was already producing a sufficient number of fine and comparatively uniform pieces to allow a currency by tale of small units at least. The Middle Ages continued the use of the ancient technique, namely, the laborious designing and cutting of the coin types and the striking or hammering of individual coins by hand. The sixteenth century witnessed the introduction of mechanical methods of minting and their application to the preparatory manipulations (rolling, cutting) of the metal as well as to the coining process itself (milling of coins), but it was not until the next century that these devices overcame the opposition of the moneyers' guilds and other bureaucratic hindrances. Even greater progress was made through the application by Boulton in 1786 of steam power to minting, through the development of chemical processes in handling the raw metals and through the numerous mechanical innovations of the nineteenth century. One of the most important of these was the lever press, which was invented by Uhlhorn in 1839 and enormously accelerated the striking of coins.

The economic significance of this technical development was far reaching. It resulted in a substantial reduction in the cost of minting; the cost of production, which as late as the eighteenth century ranged from 10 to 20 percent of the value of the coin, has been reduced for gold coins to less than one third of one percent. Moreover, it made possible the minting of coins of uniform shape and content and thus provided a currency which could be circulated by tale. The passing of money by weight, a practise current to a considerable extent in Rome, under both the republic and the empire, in the Middle Ages and even in early modern times, became unnecessary. The indirect means of securing a stable standard of value, such as the ideal money of account (e.g. *Kölnische Mark*, *livre de compte*), the use of which was enforced either by law (under Athenian and Roman rule) or by universal custom, were rendered superfluous. Similarly the mediaeval Italian and Dutch methods of effecting payments through transfer banks without the actual passing of coin became obsolete. Likewise the "coinage alliances" organized by the German cities in the Middle Ages were no longer necessary.

Technical improvements permitted also the erection of additional safeguards against the abuse of currency by outsiders, by the employees of the mint or by the holders of the minting concession. Such malpractises as existed in the *Kipper und Wipper* period in sixteenth century Germany had been a serious obstacle to capital accumulation and one of the causes of social unrest at the time of the rapid expansion of the money economy. It was important, therefore, that the milling of coins introduced at the end of the seventeenth century succeeded in putting a stop to money clipping, and that Gengembre's invention of 1808, which mechanically adjusted and controlled the metallic content of coin, reduced the opportunities for counterfeiting.

The modernization of minting technique solved also one of the most pressing of the early monetary problems, the shortage of coin. The inadequacy of the monetary supply was probably responsible for the adoption of such temporary expedients as the production of bracteates, diminutive pieces of metal so thin that one stamp sufficed for both surfaces, and the private issue of token coins. Thus a great quantity of copper farthings were issued without royal concession in England in the seventeenth century. Such devices could be dispensed with after the introduction of the modern minting machine, with its daily capacity of 100,000 perfect coins as compared with the 8400 badly stamped groschen which were considered a good day's work in seventeenth century Prussia.

Changes in the administration of coinage went hand in hand with its technical development. Beginning in the ancient world, probably with the governmental coinage of the Persian kings, minting has been regarded as a prerogative of the ruling power. In the Greek communities this prerogative was a cause of strife between the political parties, and the emergence of tyrants was likely to mean a pronounced centralization of the coinage. In Rome centralization ruled from the beginning and, naturally enough, the emperors put great emphasis upon the exclusive character of their privilege to use and abuse the mint. This imperial prerogative was perpetuated as part of the tradition inherited by the Middle Ages and was exercised either by the suzerain or by persons who had received it as a feudal grant. As a natural consequence of the lack of communication these grants multiplied to such an extent between 800 and 1200 that the coinage was completely decentralized. During the earlier Middle Ages this situation was of only limited importance, because with the prevalence of a "self-sufficient" type of economy, exchange resembled in the majority of cases simple barter. In Germany, for example, copper and small silver pieces, pfennigs and half pfennigs were practically the only coins minted until the end of the thirteenth century. Later this decentralization of minting authority threatened to have more serious consequences. From the time of Saint Louis in France and Henry VII in England, however, these countries witnessed the gradual extinction of all but the royal minting power. In Germany, on the other hand, the decline of the emperor's political position resulted in a further dispersion of the minting prerogative among thousands of feudal barons, bishops and cities. None of the numerous decisions of the later Reichstags, which did their best after 1566 to reform by legislation the confusion of the monetary system of the empire, could achieve even a comprehensive monetary union.

Apart from lack of centralization, the coinage policy of the entire period from the twelfth until the end of the eighteenth century suffered from the fact that the minting privilege, like other royal privileges, was exploited with a view to obtaining therefrom the greatest possible revenue. The earnings of the mint per piece coined depended not only upon the margin legally permitted between the face value of the piece and its metallic content (seigniorage), but particularly upon the gradual and unauthorized reduction in the bullion content of the standard unit or in the weight and the fine content of the individual coins. But more important from the standpoint of total revenue derived was the output of the mint; to increase the turnover of the mint, changes in the coin, with the consequent renewal and reminting, were continually undertaken.

Changes in the coin were accomplished either by raising the face value of the coin or by reducing its metallic content. With the issue of new depreciated coins old coins were generally although not always "called down" for reminting in accordance with the new standards. After the coin was thus increasingly depreciated for some time, the reverse measure had commonly to be resorted to and this "raising" of the coins was again cause for a new reminting. Thus in some parts of Germany and Austria in the fourteenth century the cities would purchase from the feudal mint owner his privilege of controlling the regularly repeated deteriorations of the coin and then raise the value of their moneys by reminting. Analogous to a change in coin in its effect upon recoinage was a change in the uncoined monetary unit which was at the basis of the system of coins actually circulating; such a change involved a readjustment of money in circulation and often meant the coinage of new pieces.

Frequent remintings were also caused by circulatory difficulties arising from the imperfections of minting technique and monetary policy. Payments in terms of a stable money of account, which were practised widely for a long time because of the unsatisfactory state of coinage, would lead to the withdrawal from circulation of the heavier coins. Thus within a certain period the coinage of a locality would be automatically "eased" and reminting had to take place. In addition, with the development of commerce and the appearance of gold coins, changes in the market value of gold and the resulting discrepancies between the market and the mint ratios of gold and silver would compel remintings. In countries without a central political organization, such as Germany and Italy, the competition of coins produced by different mints under different rules was recurrently advanced as a reason for recoinage. While the foreign coin competition argument was probably valid enough for very small political units which were not sufficiently strong to enforce the exclusive use of domestic coin even for the smaller transactions, this "economic" apology still advanced by some recent writers, Schmoller for instance, has no foundation in fact. Similarly, the argument of some mediaeval rulers and certain modern writers that the shortage of monetary metals necessitated a lowering of the monetary standard and remintings cannot be proved.

The history of coinage until the end of the eighteenth century in most continental countries is the history of a long and continuous series of experiments designed to make the mint yield the highest possible amount of net revenue. Some of its worst examples were found in German states and principalities. Even in France, where centralization set in early, Philip the Fair began a series of reckless monetary experiments. In England, however, beginning with the fourteenth century, Parliament and the moneyed interest were able on the whole to prevent abuse of the mint for fiscal purposes, although during the period of absolutism under Henry VIII and Edward VI their influence was not strong enough to keep England from undertaking coinage experiments of the continental type.

While attempts were made to improve conditions by such reforms as that of Queen Elizabeth in England and the reform of 1679 in France, the mediaeval coinage policy remained in effect until the close of the eighteenth century. This policy may be said to have come to an end with the abolition of seigniorage on standard coins and of all other practises involving manipulation of the coinage for the "illegitimate" profit of the mint. Connected with this change were the definite limitation of token coinage in circulation and the elimination of recoinages caused by the circulation side by side at fixed value ratios of gold and silver coins or of coins of different standards of weight and fineness.

M. Palyi

See: Money; Monetary Unions; Gold; Silver; Bimetallism and Monometallism; Metals; Revenues, Public.

Consult: Ridgeway, William, *The Origin of Metallic Currency and Weight Standards* (Cambridge, Eng. 1892); Schurtz, Heinrich, *Grundriss einer Entstehungsgeschichte des Geldes* (Weimar 1898); Babelon, Ernest, *Les origines de la monnaie* (Paris 1897); Burns, A. R., *Money and Monetary Policy in Early Times*, History of Civilization series (London 1927); Babelon, Ernest, "La théorie féodale de la monnaie" in Académie des Inscriptions et Belles-Lettres, *Mémoires de l'institut national de France*, vol. xxxviii, pt. i (1909) 279–347; Bridrey, Émile, *La théorie de la monnaie au* xiv^{e} *siècle* (Paris 1906); Monroe, A. E., *Monetary Theory before Adam Smith*, Harvard Economic Studies, vol. xxv (Cambridge, Mass. 1923); Borrelli de Serres, L. L., *Recherches sur divers services publics du* 13^{e} *au* 17^{e} *siècle*, 3 vols. (Paris 1895–1909) vol. ii; Luschin von Ebengreuth, Arnold, *Allgemeine Münzkunde und Geldgeschichte des Mittelalters und der neueren Zeit* (2nd ed. Munich 1926); Nagl, Alfred, "Die Goldwährung und die handelsmässige Geldrechnung im Mittelalter" in *Numismatische Zeitschrift*, vol. xxvi (1894) 41–258; Landry, Adolphe, *Essai économique sur les mutations des monnaies dans l'ancienne France de Philippe le Bel à Charles* vii (Paris 1910); Breckinridge, S. P., *Legal Tender: a Study in English and American Monetary History* (Chicago 1903) chs. iii and v; Schrötter, Friedrich von, *Das preussische Münzwesen im 18. Jahrhundert*, 7 vols. (Berlin 1902–13), and *Das preussische Münzwesen 1806 bis 1873*, 3 vols. (Berlin 1925–26).

COKE, EDWARD (1552–1634), English jurist. Coke's career as law officer, judge and parliamentary leader is part of the political history of his time. To politics he made the practical contribution of drafting the Petition of Right in 1628 and the theoretical contribution of reviving for a time the mediaeval notion of the supremacy of law (*Bonham's Case*, 1610). Against these, however, must be set his unfortunate attacks upon the courts of admiralty and chancery which isolated the common law from the newer tendencies which these courts represented in commercial law and equity. Within the limits of the common law his work was marked by a cautious liberalism both in technical doctrine and in social tendency. The latter may be seen in his decisions in favor of copyholders.

His *Institutes* (pt. i published in 1628, pt. ii in 1642 and pts. iii–iv in 1644) and *Reports* (pts. i–xi published in 1600–15, pt. xii in 1656 and pt. xiii in 1659) occupy a unique place in legal literature. They were written at a time when the common law was embodied in the disorderly mass of yearbooks and statutes and when demands were being made (especially by Bacon) for codification and radical reforms in substance. Coke's work was to summarize the old apparatus for modern use, and in his works the profession found as many references to mediaeval authority as it cared to handle. As a result it was soon tacitly agreed not to go behind Coke's authorities; but this gain was accompanied by the disadvantage of permanently imposing upon the law the considerable mass of mediaeval learning which Coke delighted to display. His historical work was, however, always subordinated to immediate practical considerations, and so his pronouncements in this direction must be read with caution. This applies equally to the historical matter in many modern legal treatises whose authors, following their professional tradition, are content to accept Coke's authority in history as well as in law.

Theodore F. T. Plucknett

Consult: Woolrych, H. W., *Life of . . . Sir Edward Coke* (London 1826); Johnson, C. W., *The Life of Sir Edward Coke*, 2 vols. (London 1837); Lyon, W. H., and Block, Herman, *Edward Coke: Oracle of the Law* (Boston 1929); Campbell, John, *Lives of the Chief Justices of England*, 4 vols. (3rd ed. London 1874) vol. i, chs. vii–x; McIlwain, Charles Howard, *The High Court of Parliament and its Supremacy* (New Haven 1910); Holdsworth, W. S., *History of the English Law*, 9 vols. (3rd ed. London 1922–26) vol. v; Plucknett, Theodore F. T., "Bonham's Case and Judicial Review" in *Harvard Law Review*, vol. xl (1926–27) 30–70; Boudin, L. B., "Lord Coke and the American Doctrine of Judicial Power" in *New York University Law Review*, vol. vi (1928–29) 223–46; Mackay, R. A., "Parliamentary Sovereignty or the Supremacy of the Law" in *Michigan Law Review*, vol. xxii (1923–24) 215–47.

COLAJANNI, NAPOLEONE (1847–1921), Italian criminologist, statistician and publicist. He was born in Castrogiovanni, Sicily, and became early in life a Garibaldian patriot. He was at first a surgeon (1871), then assistant professor of anthropology at Catania University and later (1901) professor of statistics at the University of Naples.

Colajanni's writings cover a wide variety of subjects and are mainly in a polemical vein. In his *Il socialismo* (Catania 1884, 2nd ed. Palermo 1898) Colajanni discussed socialism from an evolutionary point of view. He strenuously defended Mazzini against Marx, the clericalists and royalists (e.g. *Mazzini e socialismo*, Rome 1901; 2nd ed. 1921). In *Aspromonte* (Rome 1912) he criticized the role played by the royal house of Savoy in the history of modern Italy. He believed that the colonial expansion of Italy should wait upon the achievement of prosperity at home (*Politica coloniale*, Palermo 1891). Outstanding among his writings are his works on criminal sociology (e.g. *La sociologia criminale*, 2 vols., Catania 1889), in which he ascribed to environmental factors—especially those of the social and economic environment—the major cause of delinquency. Colajanni employed the statistical method in *Latini e Anglo-Sassoni* (Rome 1903, 2nd ed. 1906) to demonstrate that moral conditions in Italy compared favorably with those in the United States, and in *Socialismo e criminalità* (Rome 1904) to indicate the relatively low criminal rate in the socialist districts of Germany. His work on the elements of statistics, *Manuale di statistica teorica e demografia* (3 vols., Naples 1904; 4th ed. in 1 vol., Naples 1920), is full of wisdom and good sense.

As a member of Parliament and as editor for twenty-seven years (1895–1921) of the *Rivista popolare di politica, lettere e scienze sociali* (Naples) Colajanni took a pronounced liberal position and always favored the idea of an Italian republic. He was an adversary of German influence in Europe, which he believed reactionary and inimical to democracy. Though an ardent patriot he vigorously opposed legal uniformity and was attracted increasingly to the idea of federalism. In time he also modified his socialistic leanings to become an anticollectivist, largely because of his dislike of the antipatriotic tendency in international socialism. He was convinced that nationalistic forces such as language and historic tradition exerted a greater cohesive force upon a community than did the solidarity engendered by class consciousness and similar standards of life.

ROBERTO MICHELS

Consult: Rivista popolare di politica, lettere e scienze sociali, vol. xxvii (1921) nos. 17–18, which are devoted to a discussion of the life and work of Colajanni and which include also a list of his writings.

COLBERT, JEAN-BAPTISTE (1619–83), French statesman and administrator. As the son of a woolen merchant of Reims, Colbert no doubt received a sound training in commerce and banking. After a period of service in the war office and later in the household of Mazarin he became intendant of finances in 1661 and controller general in 1665. In this office he exercised not only the functions of minister of finance but those of minister of the interior. He also held the offices of secretary of the navy and superintendent of construction. As Marquis de Seignelay he played a role in the royal councils the more preponderant because he left apparent initiative to the king.

As minister of finance he attempted to establish order through definite estimates of future receipts and expenses and through elimination of waste. Although he was not able to change the deplorable system of taxation he managed to improve the position of the peasants by revising the lists. He found the state excessively burdened by debt and unfortunately resorted to measures which amounted to a declaration of bankruptcy, to the ruin of public credit. He hated the financiers but the war with Holland placed him in their power.

His economic theories were mostly those of Richelieu. He sought to make an economic unit of the nation by substituting uniform duties at the frontier for the multitude of provincial duties, but he was able to realize this policy only to a very limited degree. He conceived of the development of economic life as a public service and, like Richelieu, inveighed against the idleness of the nobles and the desire of the middle class for public office. He wished to see the population of France increase, and he wished all elements in the population to contribute as much as possible to the national wealth.

In some points his theories were narrow and reactionary as compared with the contemporary mercantilist theories. He believed that the population of each state and its power of consumption, the amount of money in circulation, the commercial possibilities and even the aggregate tonnage of the European merchant marine were virtually fixed quantities, and therefore that a state could enrich itself only at the expense of others, by waging a "war of money" on them. He detested Holland especially because that country was then the reservoir of the precious metals and the market for capital and controlled three fourths of the commercial tonnage of Europe. While the principal object of the tariff of 1664 was customs unification, that of 1667 frankly represented tariff war and it was destined to lead to the calamitous war of 1672. Colbert opposed trade with the East because it involved export of gold; on this point he was in violent conflict with the people of Marseille.

The essential points in his economic policy were preventing the export of useful materials; attracting raw materials from abroad; prohibiting or at least taxing heavily imports of foreign manufactures; seeking outlets for French products; establishing in France new industries by inducements to skilled workers from France and from abroad; creating, as Henry IV and Richelieu had attempted, royal manufactures, establishments operated either by the state (for example the Gobelins) or by privileged manufacturers free from statutory regulations and the supervision of the guilds; reestablishing abroad a reputation for French products by subjecting the manufacturers as well as the traders to severe regulation under the control of inspectors of manufactures and of the Council of Commerce. Inspired by the example of Holland Colbert sought to liberate France from dependence on the foreign carrying trade. He believed that trading companies could be created by fiat prescribing the amount each capitalist should subscribe. The results of his efforts in this direction were mediocre. Colonies he regarded merely as objects of exploitation by the imperial state.

Colbert also played an important part in the unification and codification of the laws through ordinances on civil and on criminal procedure, on waterways and forests. By the *Ordonnance du commerce* of 1673 he restored confidence in the word of the French merchants by imposing upon them ruthless regulations. Toward the close of his career he worked out the *Ordonnance de la marine* and the *Code noir*, or ordinance on the Negroes of the colonies, proclaimed in 1685 after his death.

Colbert even played a part in the intellectual supremacy of France under Louis XIV. It was his dream that alongside of the administrative organs controlling the national life a government of experts and savants might be established for the king. While he protested against the ruinous waste of Versailles he pensioned learned men and artists of all countries, established academies (of inscriptions, of sciences and the French Academy at Rome) and scientific institutions (observatories, schools of languages).

He was less a great statesman than a great clerk, admirable for his industry, love of order and passion for detail. His conception of national economy, his creation of a marine and a class of sailors, his engineering works such as the Canal des Deux-Mers, contributed toward a sense of national unity and grandeur. But his narrow mercantilism with its strongly belligerent tendencies and his spirit of authoritative regulation indicated a reactionary intelligence. After his death "Colbertism" degenerated into a meddling tyranny over industries, an obstacle to progress and trade.

HENRI HAUSER

Consult: Depping, G. B., *Correspondance administrative sous le règne de Louis XIV*, Collection de Documents Inédits sur l'histoire de France, no. xxviii, 4 vols. (Paris 1850–55); Clément, P., *Lettres, instructions et mémoires de Colbert*, 7 vols. (Paris 1861–70), and *Histoire de Colbert*, 2 vols. (3rd ed. Paris 1892); Neymarck, Alfred, *Colbert et son temps*, 2 vols. (Paris 1877); Hecht, G. H., "Colbert's politische und volkswirtschaftliche Grundanschauungen," in *Volkswirtschaftliche Abhandlungen der Badischen Hochschulen*, 2 vols. (Freiburg 1898–99) vol. i, p. 201–69; Lavisse, E., *Histoire de France*, 9 vols. (Paris 1908–11) vol. vii, pt. i; Mims, S. L., *Colbert's West India Policy*, Yale Historical Studies, no. i (New Haven 1912); La Roncière, C. de, *Histoire de la marine*, 5 vols. (Paris 1899–1920) vol. v; Sée, H., "Qui faut-il penser de l'oeuvre économique de Colbert?" in *Revue historique*, vol. clii (1926) 184–94; Elzinga, S., "Le tarif de Colbert de 1664 et celui de 1667" in *Economisch-historisch jaarboek*, vol. xv (1929) 221–73.

COLD STORAGE. *See* REFRIGERATION.

COLERIDGE, SAMUEL TAYLOR (1772–1834), English poet, philosopher, literary critic and journalist; one of the leaders of the English romantic movement. At first a Godwinian, he soon took up journalism on the Tory side. Especially after 1815 his writings developed into a series of attacks on "Jacobinism," which he defined as an attempt "to build up government and the frame of society on natural rights instead of social privileges, on the universals of abstract reason instead of positive institutions, the lights of specific experience, and the modifications of existing circumstances." Similarly he criticized utilitarianism and classical economics because of the philosophical and psychological inadequacy of the former and the unduly abstract arguments of the latter. He pointed to the unemployment and poverty accompanying industrial progress and declared that these could not be remedied on the principles of individualism and laissez faire. There seemed to him a special need for governmental interference to insure a prosperous agricultural population, to prevent the exploitation of children in industry and to establish a national system of education. In his mature political thinking Coleridge followed Burke, although laying even greater stress on the importance of psychology and history as the bases of politics. While considerably influenced in his general philosophical thinking by the German idealists, he disliked their emphasis on the state; the idea of sovereignty he described as a "mischievous hyperbole." Apart from his great influence on religious thought Coleridge's political and social ideas were carried on by various writers including Southey, Lord Shaftesbury, F. D. Maurice and the Christian Socialists, Matthew Arnold and J. S. Mill.

ALFRED COBBAN

Important works: Coleridge's most influential work in the field of social thought was his *On the Constitution of Church and State* (London 1830; 4th ed. 1852). Important also are his writings in *The Friend* (London 1809–10; second version, 3 vols., 1818), and his *Essays on Our Own Times*, 3 vols. (London 1850).

Consult: For Coleridge's life: Campbell, J. D., *Samuel Taylor Coleridge* (London 1894). For his political and social theory: Mill, J. S., *Dissertations and Discussions*, 4 vols. (3rd ed. London 1875) vol. i, p. 393–466; Brinton, Crane, *The Political Ideas of the English Romanticists* (Oxford 1926) p. 65–84; Cobban, A., *Edmund Burke and the Revolt against the Eighteenth Century: A Study of the Political and Social Thinking of Burke, Wordsworth, Coleridge and Southey* (London 1929) chs. vi–viii; Murray, R. H., *Studies in the English Social and Political Thinkers of the Nineteenth Century*, 2 vols. (London 1929) vol. i, ch. v. For his educational ideas: Snyder, A. D., *Coleridge on Logic and Learning* (New Haven 1929).

COLINS, JEAN HIPPOLYTE, BARON DE (1783–1859), Belgian collectivist thinker. Colins served with distinction as a volunteer under Napoleon and after the Restoration was exiled. In 1819 he went to Havana as a physician but following the Revolution of 1830 returned to Paris, where he set out in middle age to study and develop his system of social reform known as "rational" socialism.

Despairing alike of the theocracy of the past and of the anarchic democracy of his time Colins sought for a seat of "real authority, rationally incontestable" to persuade men to be brothers. He discovered it in the "feeling of existence," which proved the immortality and hence the moral responsibility of the soul. He deduced that ignorance and pauperism are unnecessary. Even those who "by their own folly" have become unproductive should be "maintained in plenty and well-being." All men should have free access to the soil and to the accumulations of past generations. Land and most capital goods should therefore be collectively owned but privately worked (on thirty-year leases) with rent applied to social purposes. During the transition period to the "rational" order society was to accumulate wealth by 25 percent inheritance taxes and by the reversion to the state of all intestate land lapsing out of the direct line of descent.

Colins attacked the extreme individualism of Proudhon, and in the ranks of the First International his followers, who advocated the collective ownership of the soil, formed a transition group between the "mutualists" and the Marxians. Later Colins' disciples, De Potter, Brouez and others founded the "Ligue pour la Nationalisation du Sol," which is still active.

DOROTHY W. DOUGLAS

Important works: *Socialisme rationnel*, 3 vols. (Paris 1851); *Qu'est ce que la science sociale?*, 4 vols. (Paris 1851–54, 2nd ed. Mons 1905–07); *La science sociale*, vols. i–vii, xii–xix (Brussels 1857–96); *De la justice dans la science, hors l'église et hors la révolution*, 3 vols. (Paris 1860).

Consult: Hugentobler, A., *L'extinction du paupérisme* (2nd ed. Brussels 1868); Toubeau, Maxime, "Colins et sa doctrine" in *Revue socialiste*, vol. xlii (1905) 534–51; Parent, Gabriel, *Le socialisme de Colins* (Beaune 1912), containing bibliography.

COLLECTIVE BARGAINING is a process of discussion and negotiation between two parties, one or both of whom is a group of persons acting in concert. The resulting bargain is an understanding as to the terms or conditions under which a continuing service is to be performed. There is collective bargaining between apartment dwellers and a landlord, the cooperative producers of tobacco or cotton and the buyers, the distributors of milk in a large city and the dairymen, a public utility and the users of its product. More specifically collective bargaining is the procedure by which an employer or employers and a group of employees agree upon the conditions of work. The institution is both a device used by wage workers to safeguard their interests and an instrument of industrial organization.

The use of collective bargaining and the maintenance of labor unions are now almost inseparable. Workers may organize for another purpose—a union of employees to control conditions of work may require only an informal understanding—but in general collective bargaining is the activity about which trade unions are built up. The necessity of collective bargaining leads to a definition of the aims of the working group and to the development of working rules involving the regulation of the number of apprentices, the maintenance of a shop closed to non-union members and the subordination of individual interests to a common discipline. The concert of action makes the suspension of work, popularly called the strike, an effective weapon in use or as a threat. Accordingly, the extent of effective employment of collective bargaining is the extent of successful unionism; the history of collective bargaining is inseparable from the history of organized labor.

A process of collective bargaining may take any one of a number of forms. A single employer may bargain with a group of employees, as the proprietor of a restaurant with his waiters; a local group of employers with a number of groups of employees, as the building contractors of a city with the several unions in the building trades; a number of sectional groups of employers in an industry with the employees of a single craft, as the railroad companies with the locomotive engineers; a group of employers with all their employees, as the bituminous operators and mine workers in the Central Competitive Field. There may even be a hierarchy of a local, a district and a national process of bargaining, as in the ship building industry in Great Britain. A great diversity in the processes of industry, the character of trades, the structure of unions and the patterns of business organization promotes variety in the methods of bargaining, demands of those engaged different kinds of strategy, gives character to union programs and stimulates association among employers.

The actual conduct of collective bargaining only approximates the norm of free agreement between equally interested and equally powerful parties. The interests of the two groups are unlike, the concern of one being with an expense of production, the other with the means of livelihood. The organizations are unlike, the laborers being associated for the specific purpose of bargaining, the employers being organized for production and profit making. The employers act directly or through their appointed officials; the employees may use their business officials or employ other representatives of their own choosing. A group of workmen may find discretion elsewhere than with their own employers and include in a local agreement provisions formulated by an association of employers. The party which employs may find discretion elsewhere than with its own employees, as when standards and working rules formulated by an international are incorporated into agreements made with local unions. The discretion may belong so exclusively to one of the parties that the bargain is in name only, as when a hold-up union dictates to employers or a business corporation uses a company union to give a rhetorical sanction to arrangements made in the business office. A system of governmental arbitration, as in Australia or Canada, or upon the railroads in the United States, may result in one or both parties giving a grudging assent to provisions they are reluctant to accept. There can hardly be a "true" collective bargaining; in its practical application it becomes entangled with and inseparable from other arrangements which control employment relations.

The process of collective bargaining results, not in a labor contract, but in a trade agreement. This imposes no obligation upon the employer to offer or upon the laborers to accept work; it guarantees neither to the employers workmen nor to the laborers jobs. It is nothing more than a statement of the conditions upon which such work as is offered and accepted is to be done. The contract of employment is still between the individual employer and the individual employee, though the provision of the order in which men are to be taken on and laid off may give to or withhold from laborers a chance to dispose of their services.

It is through the trade agreement, which is subsumed in the labor contract, that collective bargaining becomes an agency of industrial order. The trade agreement, which specifies how jobs and workmen are to be brought together in production, like a creed or a code, is of slow and tangled growth; the repetitious process of bargaining is the procedure by which the scheme of employment relations is built up and maintained. The general understanding is primarily concerned with wage rates; it is easily extended to the times and methods of wage payment, hours of labor, compensation for overtime, fines for infractions of rules, allowances for dead work, the protection of life and limb and hiring and firing. It may lay down the conditions of work in great detail, incorporate a code of working rules or specify technical practises, ways of handling materials, methods of checking results and standards of performance to test the competence of workmen. It gives nominal acceptance or even official sanction to customs, practises and procedures which have gradually grown up in a trade or industry. The constructive use of collective bargaining and the enforcement of trade agreements demand strong and continuing organizations and the faithful performance of obligations on both sides. As an instrument of order the bargain may be applied to the affairs of others than the bargainers, as when a court of arbitration extends a trade agreement to outside firms, or when the non-union part of an industry follows the lead of union shops. Thus a sliding scale of wages, negotiated by less than one half the employers and one third of the laborers, has been applied to the whole of the coal industry in South Wales.

The case for or against collective bargaining turns upon the issues of competition and personal freedom. Its opponents argue that the individual competition of employer with employer for workmen, and of laborer with laborer for jobs, through the law of supply and demand, makes alike for rightful labor costs and for fair wages; it is retorted that workers are at a disadvantage and that collective bargaining is a means of establishing that equality of bargaining power in which freedom of contract begins. Its opponents argue that it deprives the laborer of his individual liberty to dispose of his services upon such terms as he pleases; it is retorted that his individual freedom is an impotent abstraction and that he must endure the authority of a union, in whose control he has a voice, or else submit to the dictation of a business corporation. The issue involves alike the antithetical interests of economic groups and the conflicting philosophies of individualism and collectivism.

The legal status of collective bargaining cannot be set down in definite terms. The common law doctrine of restraint of trade carries at least a presumption of illegality in a monopoly of labor. Before their revision in 1824–25 the conspiracy laws in England expressly forbade associations of workmen for bargaining purposes. Today a bargain between employers and employees which amounts to a monopoly control of production would doubtless be held illegal. Monopoly aside, the process of voluntary collective bargaining is clearly within the law. In Germany and elsewhere on the continent the terms of the collective agreement are made legally binding, and members of employing or employee groups may not enter into individual contracts in violation of its minimum requirements. In the United States and Great Britain the resulting bargain is as a rule without, rather than against, the law; its enforcement rests rather upon the good faith of its makers than upon the right of a resort to the courts to secure damages or specific performance. In fact the effective use of collective bargaining has been seriously limited by a legal ban upon many of its instrumentalities. The lawful limits of the use of the strike have been only crudely indicated. The intervention of the state to make effective the bargaining power of employees has been found to be an unwarranted interference with individual liberty which "no government can willingly tolerate in a free land" [Adair *v.* United States, 208 U. S. 161 (1908); Coppage *v.* Kansas, 236 U. S. 1 (1915)]. An attempt to relax the antitrust act to allow trade unions a wider latitude in manoeuvring for position (Clayton Act, Sections 6, 20), whether because of clumsy working or judicial disapproval, has been of little avail. The free use of the secondary boycott of non-union firms [Duplex *v.* Dearing, 254 U. S. 443 (1921)] and of non-union materials [Bedford Art Store *v.* Journeymen Stone Cutters, 274 U. S. 37 (1927)] has not been permitted to labor organizations. However, in arbitration provided by federal statute, a railroad company has been compelled to dissolve a company union and to negotiate with employees through representation of their own choosing [Texas and New Orleans Railway *v.* Brotherhood of Railway Clerks, 281 U. S. 548 (1930)]. In general the activities associated with collective bargaining have not yet been reconciled with a legal system saturated with an individualistic common sense.

In the theoretical literature the possibilities of collective bargaining are clearly recognized. The American Federation of Labor in its wage declaration of 1925 favors a control through collective bargaining of the sources of increased production and higher wages. It has often been suggested that labor unions incorporate themselves and contract with employers to furnish a definite number of workmen for a definite term. It has been proposed that an industry be put under the control of a business corporation, that consumers and workers each elect one half of the directors and that its conduct be made a continuous process of collective bargaining between the two interested parties. Current changes and speculative thought alike indicate that collective bargaining will continue to take on new forms and new activities, that in the immediate future the institution is not likely to be reduced to a rigid pattern.

WALTON H. HAMILTON

See: LABOR MOVEMENT; TRADE UNIONS; TRADE AGREEMENT; BARGAINING POWER; CLOSED SHOP AND OPEN SHOP; FREEDOM OF CONTRACT; LABOR DISPUTES; LABOR CONTRACT; COMPANY UNIONS; EMPLOYERS' ASSOCIATIONS; ARBITRATION, INDUSTRIAL; LABOR-CAPITAL COOPERATION.

Consult: Webb, S. and B., *Industrial Democracy* (new ed. London 1920) pt. ii, ch. ii; Hoxie, R. F., *Trade Unionism in the United States* (2nd ed. New York 1923) ch. x; Commons, J. R., and Andrews, J. B., *Principles of Labor Legislation* (rev. ed. New York 1927) ch. iii; Fuchs, Ralph F., "Collective Labor Agreements in German Law" in *St. Louis Law Review*, vol. xv (1929–30) 1–46; Guillebaud, C. W., *The Works Council* (Cambridge, Eng. 1928) ch. iii; *Trade Unionism and Labor Problems, Second Series*, ed. by J. R. Commons (Boston 1921) chs. xxx–xxxv containing excerpts of articles discussing the procedure of collective bargaining in various industries in the United States; Powell, T. R., "Collective Bargaining before the Supreme Court" in *Political Science Quarterly*, vol. xxxiii (1918) 396–429; Hamilton, W. H., and Wright, H. R., *A Way of Order for Bituminous Coal* (New York 1928) chs. viii–xi; Sayre, F. B., *A Selection of Cases and other Authorities on Labor Law* (Cambridge, Mass. 1923) ch. xiii.

COLLECTIVE BEHAVIOR. Society in its most obvious aspects presents itself as a mere agglomeration of individuals, a population aggregate. The very proximity and dispersion of individuals limit and condition to a greater or less extent all other human relations. But more significant is the fact that under certain conditions such temporal and spatial aggregates have a capacity for collective and concerted action.

Whenever individuals come together even in the most informal way, no matter how strange they may be to one another nor how great the social distances that separate them, the mere fact that they are aware of one another's presence immediately sets up a lively exchange of influences, the first effect of which is to produce in each a mood, a *Stimmung*, under the influence of which the individual's behavior—his thought and sentiments if not his actions—are controlled and directed. A funeral, a wedding or merely a picnic tends to evoke the sentiments proper to it and to create in the assemblage the atmosphere congenial to the occasion. In so far as every individual in such an assemblage is moved to think and act under the influence of a mood or state of mind, in which each shares and to which each contributes, the resulting behavior may be described as collective.

This phenomenon of collective behavior has in recent years led to the development of a special branch of social psychology, collective psychology, the chief aim of which is the analysis of the conditions under which concerted action ordinarily takes place and the forms in which collective behavior commonly manifests itself. Collective psychology is not concerned, at least in the first instance, with the mores and folkways nor does it assume the existence of a social organism. It starts with the obvious fact that individuals, visibly isolated in space and capable of independent action, do act in a manner that exhibits concert and control, even where that control is not imposed by conscious understanding, by convention, tradition or even habit. It recognizes, indeed, that in many instances collective action takes place in contravention of existing tradition and convention.

The range of collective behavior is far wider and its gradations more subtle than can be indicated in any scheme of classification. At innumerable points individual behavior fades into behavior under the domination of group attitudes. Collective behavior, ordinarily conceived of as emotional, may exhibit a high degree of rationality, as in the directed interaction of a group of technicians or workers. It may involve all degrees of fusing of the individual awareness with that of the group from the separateness of discussion groups to the single spirit of the mob.

The most elementary form of integration by which mere aggregates of individuals assume the character of social groups is the simple dominance of a mood. The ordinary street crowd, although it has not achieved that degree of integration which makes it capable of collective action, has at least this degree of integrity. It is the heightened influence of such a mood which creates the true crowd. Since the publication in 1895 of Le Bon's *La foule* collective psychology has been mainly concerned with the psychology of the crowd (*q.v.*). The general characteristics of crowds have been well explored and may be rapidly summarized. In the crowd social and personal distinction disappears; special talents and special knowledge, the fruits of education and experience, are lost; only those attitudes, passions and sentiments which are the common heritage of mankind remain. With the evolution of what Le Bon calls "the crowd consciousness" there is a corresponding loss of personality by the individual; he tends to act impersonally and to feel something less than the ordinary responsibility for his actions. The crowd itself is anonymous, has no generally accepted function, is not recognized and does not recognize itself in any corporate capacity. The crowd that acts, in more extreme cases the crowd that dissolves in panic, becomes the mob (*q.v.*). There is another type of crowd that dances but does not act: the expressive and in its wilder manifestations the orgiastic crowd. Of this nature are the inspired and ecstatic participants in religious revivals.

It is probable that in any group, small or large, where rapport is established and maintained there is a certain diminution of that self-consciousness and self-control which the individual ordinarily maintains. "The result of intimate association," says Cooley, "is a certain fusion of individualities in a common whole, so that one's self, for many purposes at least, is the common life and purpose of the group." The control in the crowd is therefore not different in kind, even though it be so in degree, from that which is manifested in other intimate and congenial groups.

The crowd, however, is typically anonymous and casual; it presents decided contrasts to the collective behavior which is manifested in groups with definite traditions. The process by which sporadic collective behavior assumes institutional form can be clearly seen in the case of religious sects. Although they arise ordinarily out of the ferment of religious revivals and seek to maintain and renew from time to time the sentiments and attitudes in which they were originally conceived, sects characteristically develop traditions, attitudes and an organization which give unity and direction. A sect adopts ceremonial forms and acquires a creed, a mission and a program.

In secular life a group which has come together through chance may become sufficiently integrated to form a gang (*q.v.*), one of the groups most studied in recent years. A gang is a crowd which possesses a rendezvous and a habitat or locus that it regards as in some sense its own; more specifically, it is characteristically a conflict group. A gang is in reality an elementary form of political organization, acting frequently as an instrument of extralegal social control.

Most amorphous is that form of collective behavior which manifests itself through the expressions of "public opinion." The public is an entity which has never been clearly defined. One of the first attempts to distinguish between the crowd and the public was made by Gabriel Tarde, in a paper entitled "Le public et la foule" (in *Revue de Paris*, 5th year, vol. iv, 1898, p. 287–306, 615–35). The public, according to Tarde, is a product of the printing press. The crowd is limited by the length to which a voice will carry or the distance that the eye can survey; and the relations which exist between its members are based on face to face contacts. The public, on the other hand, is composed of individuals who are not in immediate contact and whose reactions therefore are likely to be more deliberate. In the case of the public, where suggestions are transmitted in the form of ideas, there is "contagion without contact." Crowds attract and draw us into the circle of their influence; the influence the public exercises on the other hand is felt as "pressure." To this influence the individual never surrenders so completely as he does to the crowd attraction. He may be powerfully swayed by the current of public sentiment, but he will be able to maintain a certain amount of reserve and inner freedom. Frequently he finds additional resistance through membership in a party, supported by its dogmas, defending his position with the aid of its slogans.

The party is only one of the institutional forms through which public opinion eventuates in collective behavior. The whole governmental system may be regarded, from one point of view, as a formal medium for collective behavior. Such a concept acquires significance only when modified by a realistic analysis of the variety of groups and forms of group action to be found within any institutional system.

The entire range of types of collective action can be found in any community and in every field of activity; but certain types are most often associated with certain situations. The most complete fusing of the individual with the group occurs under the influence of religious excitement; closely akin to this is the fervor aroused by race or class prejudice; any threat to its existence or power, a real or supposed menace of war or revolution, will quickly draw together into one common hatred a group previously split in factions. The techniques for evoking and utilizing such forms of collective behavior have been known to all leaders. They are practised by trade unionist and club leader as well as by politician and priest. The process of social stabilization consists in the substitution for such forms of collective action more rational forms in an increasing number of situations. Social force and social rules take the place of group conflict; mob frenzy gives way to discussion. But the growth of social habit can never prevent the operation of the dominant "mood" of a group; and as the methods for control of opinion become more effective and far reaching analysis of the roots of collective behavior is of increasing importance.

ROBERT E. PARK

See: SOCIETY; SOCIAL PROCESS; CUSTOM; TRADITION; CULTURE; CIVILIZATION; CONSERVATISM; RADICALISM; CHANGE, SOCIAL; CONFORMITY; CONVENTIONS, SOCIAL; CONDUCT; CONSENSUS; PUBLIC OPINION; COMMUNITY; ASSOCIATION; INSTITUTION; GROUP; CROWD; MOB; GANGS; REVIVALS, RELIGIOUS; LEADERSHIP; IMITATION; SUGGESTION; AGITATION; PROPAGANDA; DISCUSSION; EDUCATION; PRESS.

Consult: References in bibliographies of articles dealing with specific forms of collective behavior.

COLLECTIVE REPRESENTATION. *See* SOCIAL PSYCHOLOGY; GROUP.

COLLECTIVISM is the imposing word to be set over against individualism. It is, broadly, a term for a trend in social development, a program of economic reform, a theory of general welfare and a utopian order for mankind; technically, a general label for comprehensive schemes of authoritative control such as socialism, communism, syndicalism and Bolshevism; and specifically, a name for the trend away from the extreme laissez faire of the nineteenth century.

In a sense every social estate is a collectivism. The savage tribe hedges the doings of its members about with inviolate imperatives and tabus. The feudal regime assigns to each person a mode of life in conformity with the station to which he has been appointed. The tyranny enlists its subjects in His Majesty's service and exacts from them dues of grain, wine and labor. The dynastic state fashions people, resources and trades into an instrument of national greatness. The Christian society, for the glory of God and the salvation of the soul, extends a spiritual dominion over the actions, the words and the thoughts of men. In all such cases authority is from above and the individual is of less account than the impinging establishment.

The thing called individualism is a departure from—and a type of—collectivism. It is the product of the impact of novel event upon ancient authority. As Renaissance, Reformation and industrial revolution followed each other in startling succession, thought and activity could no longer be pent up in accepted formulae. The scholar wanted to surprise truth in his own way; the God fearing man, to worship according to the dictates of his own conscience; the citizen, to be undisturbed in the exercise of his rights; and the merchant, to escape fostering restraints and to do as he pleased with his own. Practical men, such as these, asked only for a removal of particular restrictions. The times demanded no more than a release of spirit, mind and activity from outworn rule and form. But it was, for all its doubts, an age of faith in first principles, and the thinkers after their manner translated specific demand into abstract statement. The individual was the thing; self-interest was to public good as means to end; the actions of rational beings established and maintained society. Thus matters of common concern were transferred from the domain of man to the order of nature; thus too individual freedom became an instrument of organization. It was rested not upon right or privilege but upon social worth. Individualism was the way of an unplanned and undirected collectivism.

The new doctrine, "an atomic individualism" or "a natural collectivism," offered its challenge. It was easy to fasten a comfortable explanation upon actuality and to discover in the prevailing arrangements "the simple and obvious system of natural liberty." But as apologists came to defend as "free enterprise" or "capitalism" a homogeneous order such as never was, critics began to offer in "socialism" or "communism" a ready made hand-me-down substitute. When the state lost its omnipotence and the idea of democracy permeated reform thought, syndicalism and guild socialism became roads to salvation. The social utopia was a denial of the existing system, a replacement of the individual by the state, of freedom by authority, of the motive of gain by the spirit of service—and the trick was done.

The battle of ultimates was inevitable. Individualism was an expression of the philosophy of rationalism; collectivism went back to the authoritarian ideal. Alike they set down general welfare as the human goal, but in its definition a condition of well-being in society at large was opposed to an aggregate of the happiness of individuals. The one made man the hero and society the villain in the piece, the other crowded the state and the individual into the roles of father and child. In an evangelical clash, with absolutes as weapons, opposing argument was refuted more easily than defensive statement was made secure. Man was not an enlightened being always capable of fending for himself, nor was he an ignorant person forever to be helped along the way. Human nature was not "a mechanism skilfully contrived to impel individual action to a divine purpose," but neither was it "a bundle of antisocial impulses." Nature, not God, or Providence, had so "contrived the frame of humanity" that one could not help himself "without promoting the common good"; but it was common knowledge that nature had done nothing of the kind. Authority hedged personal action about with arrangements which directed self-seeking to general ends, but evidence of such purposive compulsions was wanting. Thus it was, back and forth, endlessly, shrewdly, inconclusively. A last "it isn't that way" was met by a final "it can't be done." The popular victory of individualism was due not to good reasons or a worthy cause, but to the will to believe.

The argument, which could not be settled, gave rise to fertile inquiry. Admissions were made, "other factors" were recognized, exceptions obscured principles, the antithesis began to fade and a reexamination of social theory became necessary. The individual lives in society; each is inseparable from the other. Man is free to be, to choose, to do, within the limits of organized group life; he seeks worthy things—good name, wealth, achievement, personality, life—but always through social means; he depends for rich and varied opportunity upon a heritage of culture, the association of the likeminded and an organization of resources. The activities of the government instead of belonging in a province all their own permeate all human affairs. Business is not independent of government; property and contract, essential to its operation, are changing usages enforced by law. Authority is not limited to political control for man belongs as well to a moral, a religious and an economic order; upon him a host of formal and informal compulsions—customs, laws, traditions, associations, values, institutions, tabus—must of necessity impinge. The clash between individualism in general and collectivism in general is replaced by a myriad of distinct problems.

But understanding comes slowly, and circumstance rather than theory led the way toward an empirical collectivism. The state, which was supposed to keep in its place, thrust its will into private affairs. Self-interest is "the great regulator," but legislation has to be invoked against the farmer who keeps infected milk cows, the chemist whose dyes escape into a running stream and the smelter who allows copper fumes to lay waste a countryside. The lure of profits puts shops in the right places, but cotton gins, merry-go-rounds and blast furnaces in the wrong spots are nuisances to be abated. Man is man and each for himself, but nature has wrought confusion with age and sex. Child labor must be prohibited. Women are unlike men; the long day causes fatigue and is a hazard to motherhood, and here a limitation of hours is a necessary exception. But men too are subject to fatigue; they are like women and are to be included in the exception. There must be no formal neglect of matters of general concern: state supervision is to insure sound banking; the trade in lottery tickets, white slaves and alcohol is prohibited; all are to be educated at public expense. The great prophets had said that "each shall count for one, and no one for more than one" and that "the greatest good of the greatest number" is the end of it all. It was the ironic fate of individualism to create in utilitarianism a standard by which its shortcomings were revealed. Instance after instance the obvious way to right a manifest wrong was an appeal to the government. Thus control from above took its opportunistic way through an individualistic system.

As from without so from within came a trend toward collectivism. In the whirl of change the individual lost his clear cut integrity and well defined province. The ingenious device of the corporation kept alive the fiction of "the private business" yet permitted the association of many kinds of property and many forms of personal service in a single enterprise. The use of trusteeship, the holding company and the interlocking directorate pyramided ownership, concentrated control, distributed discretion within a hierarchy of offices and confused the identity of the business unit with like and unlike ventures. In the domain of industry each functionary and factotum was free to do as he pleased—according to his position, within the established arrangements and in the face of circumstances not of his making. Even corporate personality, through which the individual lingers on, is a gift of the state.

In the realm of industry the resort to collective action is becoming common. The trade union exists "lawfully to further the legitimate objects of its members." Rules of apprenticeship, intolerance of the "scab" and methods of acting in concert make of the union card a pecuniary asset not inaptly described as property.

The firms within an industry, as a precaution against cut-throat competition, establish gentlemen's agreements, research bureaus, societies of manufacturing chemists, iron and steel institutes and cement protective associations. A plethora of rotary clubs, chambers of trade and commercial fraternities furthers the cause of bigger and better business. Farmers, through cooperatives, attempt to impose direction upon a chaotic industry and restraint upon their disorderly ranks. Individuals, firms and corporations may affiliate with "societies for mutual benefit" or stay outside at their peril. An increasing number of voluntary associations imposes an imperfect discipline upon persons still legally free to do as they please.

Association has brought with it a growing use of collective devices. Merchants set up credit bureaus; banks establish clearing houses; advertising, auditing, promotion and what not are entrusted by many firms to a single specialist. The device of insurance enables a common provision to be made against the risks of death and of fire. The reform of work accident indemnity once sought only to give the workman the right of recovery possessed by the stranger; now compensation is "a necessary cost of production" assessed against the industry. Employment is no longer an arrangement between individuals; in organized trades its terms emerge from collective bargaining between the parties; and in unorganized trades the employer, a collective personality, lays down the conditions and the individual workman may take or leave the job. Without such collectivistic devices business could not be carried on.

Within industry a system of use and wont is emerging. A code of rules is beginning to govern hiring and firing; a job is a gift of a closed union or of a personnel test; discharge demands its own due process. Each industry, formally open to all who will take its chances, has its admission requirements which run in terms of capital, endurance, knowledge, policy and occasion. Business possesses in usages which center in the office and the market its own procedure for getting questions settled. It is, unlike the state, quite tolerant of the radical; he may depart from convention in making goods, handling employees or selling wares so long as he keeps expenses below receipts and obeys the general law of solvency. The minority by reducing costs and lowering prices may even force its advanced methods upon the conservative majority. The price system, from whose tyranny there is no escape, has its ceremonial; bankruptcy has its effective way of sentencing the unfit. It is because they are of their own kind, quite unlike the familiar compulsions of government, that the conventions of business are little noticed.

Opinion is making a lagging adjustment to the collective character of business. The belief that the system works automatically is giving way to the demand that it be kept at work. An army of potential buyers must be stimulated by salesmanship; automobiles, typewriters and sewing machines must be pounded into junk; fashion and fad must rob goods of their worth before they wear out—or the flow of new goods will be blocked and plants cannot run at capacity. High wages promote spending and keep industry going; unemployment means workers without purchasing power. The reduction of wages and the laying off of men is a dubious remedy for hard times. The dawning responsibility of "the system" for the welfare of individuals rests upon business necessity. The gears must be made to engage; the making and the using up of goods must march along together; a great instrument of production which is "a concatenation of interlocking processes" must not be allowed to slacken or to stop.

In fact, almost unobserved there has appeared the great collectivism of business. Its technical activities have already been socialized. Funds, laborers, equipment, materials and brains are drawn together into establishments; productive units are gathered into none too orderly industries; industries are agglomerated into a crude and wasteful system. The business structure which envelops industrial activity is as yet inarticulate. The business unit has a clear cut identity; the industry has only such integrity as "the natural process of competition," kindly assisted by voluntary association, can give; the economic order, such as it is, is almost a by-product of innumerable individual and group activities. The scheme of authority over the industrial system is still inchoate. In the business unit lines of discretion are clearly marked out; in an industry individuals, firms, organizations and interests have their uncertain places in a scheme of direction; in the economic order, which knows nothing of potentate or council of wise men, a complex of controls holds sway. The state, charged with numerous duties, here and there exercises a negligent oversight. The market, over and behind all, works as well as it works in giving form and purpose to the everyday work of a people. In the cooperative enterprise each person has his place: to it he brings his mite of service or of property and from it he takes the wealth and the waste which make up his living. Apart from the great industry the individual cannot live his life; from its semi-responsible dominion there is no escape.

The domestication of business to social ends involves a protracted struggle along a scattering front. The narrow choice between overneat organizations has been succeeded by a complicated problem in detailed adjustment. The prevailing disorder invites an attack industry by industry. Each form of activity needs to be assigned to the appropriate agency: the rearing of children to the family, the defense of the nation to the government, the manufacture of shoes to business. But such words as family, government and business point directions rather than describe patterns of control. In business the ways in which the steel, the lumber, the newspaper and the amusement industries are put together make very different pictures; in government the postmaster general, the University of Michigan, the board of public works, the Port of London Authority and the Emergency Fleet Corporation are distinct types of control. The quest runs back of simple words like free enterprise, regulation and public ownership to the devices and procedures which make up an organization. Each separate activity—building, coal mining, street cleaning, preaching the gospel, banking—demands a scheme of arrangements in keeping with its technical processes and serving the purposes for which it exists. The way of order for an industry is one of endless choice.

There is need as well for a general attack upon specific failures in performance. The regulations set up to insure quality to the ware, service to the consumer, security to the investor, protection to the worker and opportunity to the management may well apply to many trades. The great hazards of life—sickness, accident, unemployment, old age—demand a collective provision which cuts across industrial lines. As technique develops, common sense changes, wants are revised and instruments of direction are remade, the scheme of control must respond. In time a more responsible business system may relieve the state of its current industrial functions. The arrangements for keeping business in order demand a continuing attention.

In the immediate future there is little hope for an articulate and responsible control of business. A barrier lies in a lingering application of individual terms to group activities. In law we speak of the principal, the employer and the corporation as if they were persons; in economics an entrepreneur, once an owner manager, now a tangle of relationships, survives to obscure reality. We continue to talk of private property, free enterprise and individual initiative, when these institutions are to be found only in the backwaters of great industry. We persist in speaking of an alternative between "leaving" an activity "to the individuals concerned" and "the government's taking it over," when the real choice is between one set of human arrangements and another. Nor is outworn language, which confuses analysis, the only obstacle. At present direction over a myriad of separate and interrelated activities is scattered far and wide; each person whether of high or low estate is far more concerned with his own affairs than with everybody's business; the immediate, the specific and the personal are foreover present to divert attention from larger and more lasting values. The culture we know, rich in particular activities and speeding toward an unknown future, cannot be made to obey a fixed purpose. In a world of human behavior and man made arrangements there is no escape from taking a chance alike upon personnel and upon institutions. We seek an order in which a collectivism that was never intended is subdued to the useful and the good; we must be satisfied with an approximation.

The commitment to collectivism is beyond recall, but its form remains to be determined. Its coming brings to social organization not an answer but a host of questions. The neat and tidy systems, in spite of a simple evangelical appeal, provide no escape from the road of detailed and painful adjustment. Experience quickly reveals behind the mask of comprehensive schemes like socialism, communism and Bolshevism the specific problems of functions, industries and interests, each one of which demands its particular attack. The collectivism that is, whether of business or the commune, will continue to receive such purposive revision as the concern of all sorts and conditions of men with their own petty affairs will allow. In a culture that lives and grows an empirical collectivism can never be reduced to the clear cut lines of a blueprint.

WALTON H. HAMILTON

See: INDIVIDUALISM; LAISSEZ FAIRE; RATIONALISM; UTILITARIANISM; AUTHORITY; STATE; SOCIETY; SOCIAL PROCESS; ECONOMIC ORGANIZATION; CONTROL, SOCIAL; BUSINESS; CAPITALISM; ASSOCIATION; VOLUN-

TARY ASSOCIATIONS; INSTITUTION; GOVERNMENT REGULATION OF INDUSTRY; PUBLIC WELFARE; SOCIALISM; COMMUNISM; SYNDICALISM; PLURALISM.

Consult: Dicey, A. V., *Lectures on the Relation between Law and Public Opinion in England* (2nd ed. London 1914); Cooley, C. H., *Social Organization* (New York 1909); Hobhouse, L. T., *Social Evolution and Political Theory* (New York 1911); Green, T. H., "A Lecture on Liberal Legislation and Freedom of Contract" in *Works*, ed. by R. L. Nettleship, 3 vols. (London 1885–88) vol. iii, p. 361–86; Hamilton, Walton H., "Freedom and Economic Necessity" in *Freedom and the Modern World*, ed. by Horace M. Kallen (New York 1928) p. 25–49; Slichter, Sumner H., "The Organization and Control of Economic Activity" in *The Trend of Economics*, ed. by R. G. Tugwell (New York 1924) p. 303–55; Hoover, Herbert Clark, *American Individualism* (New York 1922).

COLLEGE SETTLEMENTS. *See* SETTLEMENTS, SOCIAL.

COLLEGES. *See* UNIVERSITIES AND COLLEGES.

COLLETT, CAMILLA (1813–95), Norwegian writer and feminist. Her most popular work, *Amtmandens dötre* (The governor's daughters, 2 vols., Christiania 1855, 5th ed. 1897), was the first Norwegian novel to deal with social problems. It pictured the sad fates of young women in the cultured but impecunious upper class who had no means of support except marriage and who were doomed by rigid decorum to perfect passivity in this most important question of their lives. She pleaded for the right of women to marry for love and to avow their feeling as openly as men without loss of social caste, but she never advocated "free" relations outside of marriage. Her revelations of feminine suffering profoundly influenced contemporary men authors, notably Henrik Ibsen and Jonas Lie. In several volumes of polemical essays and *causeries* (1862–85) she further laid bare the contempt for women exhibited not only in law and custom but even in literature, impugning such masters as Goethe, Byron, Dumas and Strindberg for their attitude toward women.

By breaking down inhibitions and opening horizons Camilla Collett prepared the way for the emancipation of women, which, after the movement had been started, was accomplished with great rapidity in all the Scandinavian countries. Gradually she came to realize that her ideal, liberation of women's hearts and souls, could not come to pass without first changing their whole status in the community. She lent her support to the efforts of younger women looking toward specific reforms, such as admitting women to the university and the professions, allowing sisters to inherit equally with brothers, raising the level of women's wages and permitting married women to attain their majority and to dispose of their own earnings. All these reforms were achieved during her lifetime.

HANNA ASTRUP LARSEN

Consult: Wergeland, A. M., *Leaders in Norway and Other Essays*, ed. by Katharine Merrill (Menasha, Wis. 1916) p. 64–101; Wiehr, Josef, "Camilla Collett" in *Journal of English and Germanic Philology*, vol. xxiv (1925) 335–53; Larsen, H. A., "Four Scandinavian Feminists" in *Yale Review*, n.s., vol. v (1916) 347–62.

COLLINGS, JESSE (1831–1920), English land reformer. One of a group of zealous enthusiasts including Canon Girdlestone, Joseph Chamberlain, Joseph Arch, J. S. Mill and Russell Wallace, Collings was in the forefront of every movement which aimed at improving the life of the countryman. He was one of the founders of the National Agricultural Labourers' Union (1872), and did much in the early struggles of that organization to extend its activities in the field of social work and to dissociate it from the cruder aims of some of its leaders. After his election to the House of Commons he introduced legislation dealing with education, housing, allotments, credit and emigration, all of which figured in his program. As founder of the Rural Labourers' League (1888) he carried on a campaign for "three acres and a cow." Much that was attempted in the last quarter of the nineteenth century failed, but the passage of one generation saw most of his ideals achieved in a modified form. Collings was, indeed, ahead of his time and was regarded as a fanatical and dangerous radical. Although his views regarding land tenure were apt to be distorted by his misreading of history he showed restraint in eschewing the confiscatory policy aimed at by certain of his colleagues. This is borne out by his writings, e.g. *The Colonisation of Rural Britain* (2 vols., London 1914), and in his evidence before various royal commissions.

J. A. VENN

Consult: Collings, Jesse, *Life of the Right Hon. Jesse Collings* (London 1920).

COLLINS, MICHAEL (1890–1922), Irish political leader. Collins' active participation in the Irish revolution was preceded by a period in London where his circle was Irish, his interests Irish nationalism and athletics. At this stage he was the young enthusiast and radical and was soon sworn into the Irish Republican Brotherhood. In 1915 Collins and fifteen others left London, where conscription awaited them, to take part in the volunteer movement at home. Six of them were killed next year in the Easter Week rising, Michael Collins being afterwards picked up and deported to Frongoch. Among the several thousand prisoners in the Welsh internment camp he came to be felt as a magnetic and buoyant personality, and during the "German Plot" scare of 1917, when forty leaders were rearrested, he promptly shouldered national responsibility in volunteer and political field organization. The enthusiast was passing into the man of action. In the sweeping electoral victory of 1918 he was elected for County Cork. Sinn Fein declared the Irish Republic and the clash with British authority came everywhere, with wholesale suppression of nationalist societies. In 1919 Collins was minister of finance and head of the Intelligence Department of the army; as conflict became violent he dominated policy. He raised £400,000 as a national loan; by methods incisive and ruthless he made it undesirable for any Irishman to act as spy for the British. He identified and won over certain British secret service men. He created his own secret service, raided government mails, tapped telegraph and telephone, terrorized police, organized drastic reprisals, rescued De Valera and other prisoners and proved himself agile and unflinching in every detail of the struggle. By 1921 the British were offering £10,000 for him dead or alive, but his audacity and driving force were united with "clean and swift intellect." This did not fail him when he was brought into the open, against his will, as one of the chief negotiators of the treaty. From the signing of the treaty in December, 1921, to the Dail elections of June, 1922, he bent all his energies to convincing the people that the treaty gave "the substance of freedom" (see his book, *The Path to Freedom*, Dublin 1922). The elections confirmed the Free State legally but did not quell opposition, and Collins faced the issue of civil war. Several attempts to ambush him failed. The sudden death of his admired associate, Arthur Griffith, August 10, 1922, made him head of the council as well as the army, but on August 22 he himself was shot dead in an ambush near Bandon in Cork. His valiant career thus ended when he was thirty-two years old. He was a born politician, strongly democratic and advanced, vigorously critical of Irish backwardness, a believer in Gaelic Ireland and not a little emancipated by eight years' residence in London. He did more, probably, than any other single man to bring the Irish Free State into actual being.

Francis Hackett

Consult: Collins, Michael, *Michael Collins' Own Story, Told by Hayden Talbot* (London 1923); Beasley, Pierce, *Michael Collins and the Making of a New Ireland*, 2 vols. (London 1926); Dalton, Charles, *With the Dublin Brigade (1917–1921)* (London 1929); O'Connor, Batt, *With Michael Collins in the Fight for Irish Independence* (London 1929); Breen, Daniel, *My Fight for Irish Freedom* (Dublin 1924).

COLMEIRO, MANUEL (1818–94), Spanish jurist and economist. In 1847 he was appointed to the chair of economics and administrative law at the University of Madrid, where he taught until his retirement in 1881. In that year he was made a life member of the senate, in which he had already served several terms. He was an active member of various learned societies, including the Real Academia de Ciencias Morales y Políticas, and was a frequent contributor to periodicals.

Although Colmeiro is of limited importance as a theorist his historical writings are extremely significant. His principal theoretical works are *Elementos del derecho político y administrativo de España* (Madrid 1858, 7th ed. 1887) and *Principios de economía política* (Madrid 1859, 4th ed. 1873), in the latter of which he abandoned the doctrine of protection in favor of free trade. Among his historical works the *Cortes de los antiguos reinos de León y de Castilla* (2 vols., Madrid 1883–84) is particularly noteworthy by reason of its valuable data of an economic and financial character assembled with a view to explaining the structural changes which the state was undergoing. His *Derecho administrativo español* (2 vols., Madrid 1850; 4th ed. 1876) is likewise important for its historical studies of Spanish institutions. In the *Historia de la economía política en España* (2 vols., Madrid 1863) he traces in a somewhat superficial manner the economic evolution of Spain to the beginning of the nineteenth century, bringing out the relations between theories, actual conditions and institutions. Although the book marked an advance over previous works and although it is still the only complete work on the subject its documentation is antiquated and the author's lack of scientific method is obvious. His *Biblioteca de los economistas españoles de los siglos XVI, XVII y XVIII* (Madrid 1880, a revised edition of the article in

R. Academia de Ciencias Morales y Políticas, *Memorias*, vol. i, 1861, p. 33–212) is an excellent reference work.

Fernando de los Ríos

COLONATE. The colonate as a form of servile land tenure was prevalent throughout the later Roman Empire. Agricultural land in Italy and the provinces was to a very large extent divided into estates of tremendous size (latifundia) owned by either great proprietors or the crown. Some of the land was worked by slaves but most of it by small tenant farmers called coloni. The latter constituted a close, hereditary caste and are of interest, among other reasons, as one source of the mediaeval institution of serfdom.

Legally the coloni were freemen. They could own either personal property or land, contract legal marriages, appear in court and, provided that substitutes could be obtained for their tenancies, be drafted into the army or become priests. They marketed their produce themselves and paid a fixed rent, usually in kind, which the landlord might not under any circumstances increase. They were subject to the imperial poll tax, which was collected by the landlord, and also owed the state certain annual services, such as the maintenance of roads and bridges and the construction and repair of public buildings, as well as carrying services with wagons and oxen or packhorses. Since services to the landlord are mentioned in the codes (*Cod. Just.* xi, 53, 1, 1) only once and vaguely, it is not known how onerous they were. Certainly it is not likely that the coloni were subject to as heavy burdens in "week work" and "boon days" as the mediaeval serfs.

The outstanding characteristic of the coloni was the fact that they were permanently attached to the estates on which they were born. The landlord could not free them from their condition as he could manumit slaves, nor sell his estate without the coloni which belonged to it. They were "slaves of the land itself on which they were born" (*Cod. Just.* xi, 52, 1, 1).

There is absolutely no evidence that the coloni were bound to the soil in Italy or the provinces before the fourth century, and as late as 244 A.D. proprietors were forbidden to retain tenants on their estates against their will (*Cod. Just.* iv, 65, 11). The first law referring to coloni attached to the soil was a rescript of Constantine in 332 A.D. (*Cod. Theod.* v, 17, 1), a regulation governing the punishment of coloni who attempted to leave their holdings. Sometime, therefore, between 244 and 332 the colonate was established. As neither the laws of the codes nor the writings of contemporaries, in so far as they have been preserved, give any explanation of the origin of the colonate it has remained one of the most baffling problems in economic history. Although every source of information has been examined with the most meticulous care by numerous able scholars and many ingenious theories have been presented, the material is so scanty that no theory of the origin of the colonate has been generally accepted.

It is possible to classify the theories of the colonate into six main groups. The colonate has been derived from: a voluntary enlistment of freemen oppressed by taxes and debts; a limited manumission of slaves which bound the freedmen to the soil; enforced settlements of barbarian tribes within the empire as serfs; a gradual evolution from earlier servile tenures or dependent relationships; the attempt of the administration to prevent the desertion of agricultural land in order to maintain the food crops and the land tax; and the declining fertility of the soil, which is held to be the underlying cause necessitating the strenuous efforts of the administration to keep the land under cultivation by force.

Modern scholars do not regard the first three theories as very convincing. That small proprietors occasionally entered the colonate after it had been established is well known. But there is no evidence that the colonate was originally organized as a voluntary institution; and such an explanation runs counter to the whole general tenor of the colonate legislation of the codes. The second theory, likewise, suffers from the lack of a single supporting text. The theory of barbarian settlements was advocated by a number of writers during the first half of the nineteenth century. It is true that barbarian tribes were settled on agricultural land within the empire from the time of Augustus. But no classical reference indicates that the transplanted barbarians cultivated the soil in a tenure anything like the colonate before the fifth century. And it seems extremely unlikely that the barbarian settlements, which were for the most part near the northern frontier, could have had a determining influence on the agrarian development of the whole empire.

Many scholars have attempted to explain the colonate as a slow and natural evolution from early servile and dependent tenures which had been in existence in Mediterranean countries in many cases long before the Roman conquest. The colonate has been related to Greek serfs, to Italian and Gallic clients, to Italian debtor tenants, to tenants on the imperial domains and to state peasants in Sicily, Africa and the eastern provinces. The attempt to trace a relationship between the colonate and the early Greek serfs or the Italian or Gallic clients was too far fetched to receive much consideration. But the theory that the colonate emerged gradually from natural developments on the imperial domains and private latifundia, particularly in the great grain provinces of Sicily, Africa and Egypt, has attracted considerable support. Here there had existed for centuries dependent cultivators who seldom thought of moving from their native villages; in Egypt and other eastern provinces they were not allowed to leave their native tax districts. It is thought that the colonate legislation was simply the final step in an attempt to make universal throughout the empire conditions which had created a settled peasant class in the great grain provinces.

The theory of administrative pressure lays more emphasis on the chaotic conditions in the late empire than upon the dependent status of the agricultural population in earlier centuries. The half century of anarchy which preceded the reign of Diocletian led to a general demoralization of agriculture throughout the empire. Land was being deserted everywhere and the land tax fell off alarmingly. Diocletian reorganized the system of the collection of taxes, making the municipal magistrates (*decuriones*) responsible. Writers upholding this theory argue that, in order to make it possible for the magistrates to collect the taxes and to assure a regular flow of food to the cities, it became necessary to attach the coloni to their holdings by force.

The newest theory of the colonate ascribes the colonate legislation to the declining fertility of land throughout the empire. Land in Italy commenced to be deserted during the republic and numerous contemporary writers lamented its diminishing yield. And while the productive areas were diminishing, the demand for foodstuffs increased steadily with the development of the empire and the imperial city. No empire ever supported so many economically unproductive classes as Rome—legions, a vast army of official functionaries, luxurious urban bourgeoisie, turbulent city mobs. The requirements of these classes had to be supplied through tribute levied upon the provinces. But eventually even the fertile provincial lands commenced to show the effects of the constant cropping of the land with wheat. As early as the second century desertion of the fields became a serious problem in Africa, and in the next century *agri deserti* were to be found in all parts of the empire, except in the ever flooded Nile valley. To keep up and restore land cultivation in the grain provinces the administration offered peasants tax rebates and hereditary rights in reclaimed land, while large contractors (*conductores*) enjoyed the favorable terms of the emphyteutic lease. In the northern provinces barbarians were settled on the land "on account of the scarcity of grain" (*Cod. Theod.* v, 6, 3). In the third century came the ἐπιβολή legislation forcing the proprietors and large contractors to keep unproductive lands in cultivation and pay taxes on them. And finally, according to the claims of writers of this school, in order to check the constant desertion of the tenant farmers they were attached to the soil in the permanent and hereditary bonds of the colonate.

Whatever the origin of the colonate may have been all writers agree that it proved well adapted to the times. Century after century it persisted with very little change. When the barbarians overran the Roman Empire in the West they had no thought of abolishing a system upon which the maintenance of food supplies depended and which did not differ greatly in essentials from the primitive servile land tenures to which they had long been accustomed. The laws in the barbarian codes referring to coloni are closely analogous to the earlier Roman laws in the Theodosian and Justinian codes. With the development of feudalism, however, the coloni found themselves more and more at the mercy of their lords. Although distinguished from the serfs and regarded as *ingenui* in the eyes of the law as late as the ninth century, the coloni eventually were absorbed in the servile population of the mediaeval manors.

ROTH CLAUSING

See: Agrarian Movements, Section II, Classical Antiquity; Serfdom; Latifundia; Slavery; Landed Estates; Land Tenure.

Consult: Bolkestein, H., *De colonatu romano ejusque origine* (Amsterdam 1906); Clausing, R., *The Roman Colonate*, Columbia University Studies in History, Economics and Public Law, vol. cxvii, no. 1 (New York 1925); Fustel de Coulanges, N. D., "Le colonat romain" in his *Recherches sur quelques problèmes d'histoire* (2nd ed. Paris 1894) p. 1–186; Heisterbergk, D., *Die Entstehung des Colonats* (Leipsic 1876); Rostovtzev, M. I., *Studien zur Geschichte des römischen Kolonates* (Leipsic 1910), and "The Problem of the Origin of Serfdom in the Roman Empire" in

Journal of Land and Public Utility Economics, vol. ii (1926) 198–207; Savigny, F. K. von, "Ueber den römischen Colonat" in his *Vermischte Schriften*, 5 vols. (Berlin 1850) vol. ii, ch. xv; Simkhovitch, V. G., "Rome's Fall Reconsidered" in *Political Science Quarterly*, vol. xxxi (1916) 201–43, reprinted in *Toward the Understanding of Jesus* (New York 1921).

COLONIAL ADMINISTRATION. The art and practise of colonial government have been known to all the great states of the past; but the last two centuries have brought about the development of colonial administration as a major branch of governmental technique and a major phase of national policy.

The essence of earlier methods of colonial administration is to be sought in particular motives for colonization and particular colonial commercial policies. In colonies resulting from migration and expansion there has usually been a rapid transition from military government to assimilation to the governmental regime of the expanding empire (*see* EMPIRE). A similar transition may occur in the case of territory conquered for military or fiscal purposes. Trading colonies, on the other hand, have usually remained small autonomous units, distinct groups in the midst of an alien civilization, such as the mediaeval settlements in the Levant or outpost cities in rural lands, like many of the Greek colonies; and either they have been administered by agents of the commercial groups who sent them out or they have been self-governing according to the model of the home state.

The great modern period of colonization began as an intensification of commercial exploration and developed under the inspiration of the mercantilist philosophy. This philosophy was reflected in the administration of the lands conquered, administration first by military leaders and in the case of the Catholic countries by missionaries; later by civil representatives of the crown with plenipotentiary powers. In any case, the administration was designed to bring the greatest possible wealth to the home government. The colonial administration of Spain and Portugal remained essentially of this military-autocratic character. Increasingly elaborate councils and boards for the control of fiscal and commercial monopolies were set up within the countries themselves (*see* AUDIENCIA; ASIENTO), and a degree of consistency was given to colonial policy by the important Council of the Indies (*q.v.*); but in the New World governors and royal agents were in effect free to decide for themselves on methods of handling the natives or of protecting their territory, provided they sent back the expected amounts of revenue. The antagonisms aroused by the resultant maladministration played no small part in the dissolution of Spain's colonial empire.

While the breaking of the Spanish power was accomplished by rival governments and while governmental encouragement undoubtedly played a large part in the subsequent expansion, the important agencies of colonization in the seventeenth and eighteenth centuries were the great private trading companies, especially the chartered companies (*q.v.*). Setting out from Holland, France or England to establish trading depots in distant places these companies had, guaranteed by their charters, virtual freedom of action in the administration of colonies which they might establish. Relations with the natives, legislation and defense were all in the hands of the agents of the company.

It was the intensification of national colonial rivalries at the end of the eighteenth century which led to the taking over of responsibility for colonial affairs by the European governments themselves and thus brought colonial administration into the realm of national policy. The Napoleonic wars left England with a vast colonial empire, which she had learned to value the more for the loss of the American colonies; and the industrial revolution, by making Indian cotton more important than Indian spices and by preparing the way for a new commercial philosophy, gave impetus to the trend toward governmental assumption of full responsibility for colonial administration. It was not until 1858 that the East India Company was finally liquidated and its functions taken over by the British government; but all the newly acquired territories immediately became crown colonies administered by royal agents, the governor or governor general.

The early government system of administration differed little from that of the commercial companies which it succeeded; for the agent general of the company was substituted the governor, representative of the crown, with practically plenipotentiary powers. In other cases military government gave way to civil. But as the relations between colony and home government became more settled and acquired more apparent permanence an elaboration of administrative machinery occurred. Whether or not the example of the American Revolution influenced the direction of this development, it is true that in the English colonies this elaboration took the form of the gradual setting up within the colonies of organs of representative government. Certainly the whole mid-nineteenth century pressure toward democratic ideals manifested its force in this realm.

The first step in this direction was the passage in 1791 of the Constitutional Act of Canada setting up a bicameral legislature, the upper chamber of which, the Legislative Council, was appointed by the crown, while the lower, the Assembly, was elected by the people. It was not until 1847 that Canada obtained an effective degree of self-government; but this early constitution became a model for the other colonies, particularly those settlement colonies in which the majority of the population were of European, if not English, origin. In other types of colonies the introduction of a degree of self-government has been much more gradual. Different as has been the history of individual colonies, the general pattern of development is clear: first the nomination by the governor of an advisory council composed of natives of the colony; then the selection of certain members of this council by representative groups of natives; the creation of an elective lower chamber with little or no real power and its gradual endowment with responsibility in designated spheres. It is a pattern which leads logically, if not always in actuality, to full dominion status (*q.v.*).

It was not, however, until the development of modern methods of transportation and communication toward the end of the nineteenth century that colonial administration became of vital national concern. Up to that time governments had half unconsciously continued to look upon colonies as trading outposts or pawns in a strategic game; their internal affairs were of moment only to the extent that they forced attention. But this attitude was quickly changed when the investment of capital on a large scale in the colonies made necessary the maintenance of order and the guaranty of economic stability. French expansion under the Third Republic, the partition of Africa, the acquisition of the Philippines, were all the result of state activity and all involved an eventual extension of the scope of administrative control. The tradition of the granting of at least a minimum of local self-government has been strong enough to result in the establishment of some form of representation in most of these colonies. The form of colonial government reflects quite clearly the mold of the home government. English colonies have the bicameral parliamentary system; French colonial administration follows the traditions of centralization. The aim of French colonial policy since the revolution has been complete assimilation, and self-government for a French colony takes the form of admission to the status of a local governmental unit.

Concurrently with this elaboration of governmental machinery within the colonies there has been a vast extension of colonial administrative machinery in the home government. Most of the important colonial powers now have departments of colonial affairs, many of which have evolved over a long period of years. In England the first attempt at centralized administration of colonial affairs was made in 1660 when a Committee of the Privy Council "for the Plantaçons" was appointed; this body afterwards became merged with the Council for Trade. It was not until 1854 and as a result of the Crimean War that a secretary of state for the colonies was appointed. In France the appointment of a special minister for the colonies resulted from the great expansion under the Third Republic. In both countries the office has since been enlarged and its functions expanded. In England new developments in dominion status and policy led to a further reorganization of the department in 1925. Among important colonial powers the United States alone has no department of colonial affairs, the administration of its outlying possessions being distributed among the bureaus of three separate departments. The Philippines, Panama Canal Zone and Porto Rico are administered mainly through the Bureau of Insular Affairs of the Department of War; Guam, Tutuila and the Virgin Islands through the Department of the Navy; while Alaska and Hawaii, sole survivals of the old fashioned "territory," are under the aegis of the Department of the Interior.

It is the colonial bureau which coordinates the entire colonial policy of a country, supervises the administrative officials, watches over colonial finances and in general exercises the authority theoretically residing in crown and parliament or assembly. These officials, together with the larger number of administrative officers in the colonies, constitute one of the most important of modern governmental groups. Premonitory recognition of this fact and the pressure of the necessity to build up an adequate and trained group of colonial officials have led most countries to the adoption of some form of the merit system for the selection of their colonial personnel. The British officials in

India have been chosen by that system since about the middle of the nineteenth century; it has been used by France in Cochin China since 1863 and in the Dutch colonies since 1864. A civil service act for the Philippines was one of the earliest legislative products of the United States commission functioning there.

But civil service boards, however carefully administered, can examine only those who present themselves; and such candidates, although able to pass examinations in the prescribed subjects, frequently lack the background and outlook essential to success in colonial administration. Recognition of this fact has led in several countries to the establishment of colonial schools. As early as 1800, under the direction of the East India Company, such a school was founded at Fort William, Calcutta; six years later another, the East India College, was established at Haileybury near London, but was closed in 1858. In 1864 the Dutch government founded a similar school at Leyden and afterward another at Batavia, Java. Before the end of the nineteenth century a colonial school at Paris came under the control of the French government. All of these schools have provided specialized instruction along lines most serviceable to the colonial administrator, such as the study of local languages. The result has been the gradual creation in those countries of a class of colonial servants who approach their tasks with a systematic preparation comparable to that of any other professional group. The colonial services of most European states now consist largely of those who make their careers in that field. This is in striking contrast to the situation in the United States, where few are found who even aspire to such a career—a situation due not alone to lack of colonial schools but also to uncertainty of tenure of colonial office. For the lack of a settled colonial policy immune from the exigencies of partisan politics makes it impossible for the United States government to offer its colonial servants permanent careers.

Some of the most pressing problems of colonial administration center around the utilization of native personnel in executive positions within the colonies. In most cases the growth of an established machinery of administration has been followed by the use of natives in an increasing number of governmental positions. Where there is a large territory to be guarded they must be counted upon to make up the bulk of the army and of the police force. This is notably true in India. In many cases they are indispensable in local governmental positions or the lower administrative posts, where direct and understanding contact with the mass of the population is essential. Wherever eventual self-government or assimilation has become a fixed policy the training of native teachers, judges and administrators is a natural step. Such a development will generally proceed more rapidly, the greater the degree of immediate legislative control of internal matters the colony may have achieved; it is likely to reflect somewhat too the extent of extragovernmental induction into such fields as education and law which native groups have achieved. The United States has proceeded somewhat more rapidly than most countries in "nativizing" its colonial civil service; the Philippine civil service at the present time consists almost entirely of natives. Such a policy presents, from the point of view of ardent supporters of the home government, dangers of a too rapid loosening of control over the colony. With a less extensive use of natives there are dangers of racial friction within the service. Probably no governed group has been satisfied with the methods of utilization of native personnel. The home government is charged either with building up a class loyal to itself rather than training for complete independence or with favoritism and discrimination.

Many countries have made most conspicuous use of colonials in the army and police force. Thus in India the native troops are about twice as numerous as the British and in the Dutch colonies the ratio is about three to two. France has endeavored to utilize her colonial population for this purpose, forming groups of colonies under a single commandant, concentrating forces at strategic points and reducing garrisons elsewhere. The American government at an early period in its administration of the Philippines organized the Philippine Scouts as a part of its army. Such native troops are always officered by nationals of the home government. Their use is necessary, but the question of their loyalty in time of crisis sometimes presents to colonial powers a problem of great potential difficulty.

The introduction of a degree of local self-government in most colonies has limited but slightly the scope of colonial administration. Except in the British dominions questions of peace and war and relations with other countries are settled by the home government; in some cases colonies may contract treaties, but only by consent of the governing country. Problems of defense are strictly controlled by the home government. One of the first claims of the English colonies was for greater freedom in matters of taxation. Such freedom the dominions have achieved, but for most countries fiscal control remains one of the most important phases of colonial administration. Ancient colonies were generally valued for the tribute they paid, but modern ones are not usually expected to be more than self-supporting. Indeed, France and Germany long contributed to the expenses of their colonies. One favored exception is the Netherlands, which for at least a century has drawn extensive revenues from its East Indian possessions. British crown colonies and India are generally required to pay the expenses of the imperial forces garrisoned in their midst. No such charge is made by the American government in the Philippines or Porto Rico, but with this exception both are practically self-supporting.

It has frequently happened that an existing tax system has been taken over intact by the colonizing country, old land taxes or head taxes continuing to be collected in the accustomed manner by tax farmers. Monopolies, on such goods as opium, salt or camphor, have long afforded a favorite form of colonial taxation. With the general development of methods of taxation within the last century many of the new forms have been applied in the colonies. Export and consumption taxes and, more recently, income taxes are common. A new importance has been given to colonial fiscal administration, as to all other phases of colonial policy, by the growing importance of tropical colonies. To make such territory habitable and usable the construction of roads and railroads or the clearing of swamps and forests is usually necessary. Such engineering activity has commonly been undertaken by the home government partly through the use of forced labor, partly through loans to the colony, which are then made charges on its budget. Most colonies are now fairly heavily in debt to their home governments.

As a result, even where colonial legislatures exist and have power to vote fiscal measures the home government ordinarily retains the power of vetoing and of supervising the budget. The budgets of British crown colonies, for instance, are first submitted to the fiscal branch of the Colonial Office and finally undergo the scrutiny of the Treasury. Similarly in France all fiscal matters are submitted to a central bureau.

The increasing commercial importance of colonies has led to an almost equally close control of colonial commercial policy. Customs duties not only form an important source of income but affect the tariff policy of the entire empire. Most countries control the fixing of such duties. Concessions are usually granted by the home government, while in some cases attempts have been made to monopolize the supplies of raw materials.

Almost equally wide is the scope of the activities of the colonial administrator within the colony itself. In one sphere most governments have left their colonies considerable local autonomy—in the determination of the legal system to be followed. A primary step in the establishment of any settled civil government is the setting up of a judicial system. This branch of government was ordinarily the first to be separated from the prerogatives of the governor, and it has in most cases remained subject to control, if at all, by the judicial and legislative branch of the home government, not by administrative officials.

The first question for the dominant state to determine in connection with the administration of justice is, what law shall be applied? The Romans generally let the inhabitants of conquered lands retain their native laws, gradually building up and applying a *jus gentium* for cases of more than local scope. The barbarian conquerors followed the same practise, which from general custom became the recognized doctrine of international law. The British policy in acquiring territory occupied by an alien race has been to leave private law undisturbed. Thus the custom of Normandy was left in the Channel Islands and the custom of Paris in Quebec under the act of 1774; Roman Dutch law still remains to a large extent throughout the Union of South Africa, British Guiana and Ceylon; Italian (Sicilian) law in Malta; and as personal systems Moslem law in the Hanafite form in India and Burma and in the Malikite form in Nigeria and other colonies; Buddhist law in Burma and Hindu law in India. From the beginning native law has applied only to the native population, nationals of the home government being judged in their own courts by their own law (*see* CAPITULATIONS; EXTERRITORIALITY). Moreover, while native civil law has been respected, the criminal law of the dominant state has almost always been introduced immediately. Many of the systems of native law have not contained rules governing important phases of modern life, nor has their interpretation by a group trained in alien traditions facilitated their adaptation to novel situations. There has therefore been a tendency for their gradual displacement by legislation based on the concepts of European law. In India such important subjects as family law and succession are still governed by the various personal systems, but in most colonies the applicability of native law is gradually being restricted to religious or family arrangements intimately bound up with native customs, while economic relationships and the regulation of crime or of the public welfare are gradually being drawn under the legal system of the home government.

But not all nations have even pretended to follow the Roman practise. Spain's viceroys and the Council of the Indies gradually enacted legislation which by 1530 had virtually displaced native and had substituted Spanish law, not only in the vast colonial empire of the three Americas but also in the Philippines. In Algeria, Tunis, Indo-China and other colonies French law was first introduced for Europeans, while the natives continued to be governed by their own; but the former has been encroaching upon the sphere of native law with increasing rapidity; in Algeria native law has practically disappeared. The American policy in this regard has resembled the French rather than the British. The Spanish-Mexican law was rapidly displaced by the American in Texas, California and New Mexico. Even Louisiana retains little Spanish or French law except in the civil code, while Russian law in Alaska seems to have been ignored from the beginning of American sovereignty. In the Philippines and Porto Rico a different policy was announced but only partially followed. All the remedial and most of the public law has been supplanted by American-inspired legislation. In Porto Rico the Spanish penal code, a highly scientific instrument, was repealed to make room for one modeled on the criminal code of an American state, whose framers made no pretensions of knowing comparative law or the special requirements of Porto Rico. In neither jurisdiction was the Spanish civil code expressly repealed; but in the Philippines the new Code of Civil Procedure contains so many provisions relating to subjects covered by the civil code that the latter, as construed by the Supreme Court, was by implication repealed *pro tanto* in features of great importance and was therefore left in a mutilated and incomplete condition.

If the choice and framing of colonial law raise perplexing problems, much more so are those raised by its administration. The personnel of the judiciary, its character and selection, the proportion of the native element, the extent of appellate jurisdiction and the interpretation of native law by alien judges and distant tribunals must all be considered. In every colony it is the primary courts, under whatever name, which more often than any other touch the bulk of the population. Here the government is confronted with the complicated problem of personnel in an acute form. Shall it select native magistrates, familiar with local dialects and customs and willing to accept relatively small remuneration but subject to prejudices, factionalism and, too often, questionable practises? Or shall it appoint its own nationals, lacking familiarity with local customs, with a different group of prejudices but with the viewpoint of the governing country, to perform an ostensibly petty but really fundamental task?

The question of personnel becomes acute also in the intermediate and appellate courts of the colony, where again thorough knowledge of the local law is indispensable. In 1891 Sir George Cornewall Lewis complained that the judges of India were obliged to consult the native pundits regarding Hindu and Moslem law. Only too common are situations like that in the Philippines, where out of nearly twenty Americans appointed from time to time to the Supreme Court barely a half dozen had previously given serious attention to the Spanish or any other form of civil law which they were to administer. Naturally they fell back on the use of American law and handed down decisions which deranged and upset the established system. Such evils are aggravated when the highest local tribunal is subject to review by another in the dominant country, whose judges make no pretense of familiarity with the local law or conditions. Since its organization in 1833 the Judicial Committee of the Privy Council of Great Britain has been hearing appeals from the colonies; complaints are still heard of the lack of understanding of native conditions evidenced by some of its decisions. It has long been felt that if more members of the United States Supreme Court knew Spanish law and local conditions it might not have arrived at certain decisions which have seriously crippled the administration of justice in the Philippines. In decided contrast is the policy of the French Cour de Cassation, which does not undertake to hear appeals involving Moslem law.

Such contacts of legal systems are but one of the most striking forms of the meeting of cultures which leads to most of the modern problems of internal colonial administration. It is in the colonies of the tropics that those problems have been accentuated and have found most conspicuous expression. For here the very environment must be reshaped to make the country habitable for white men. One of the most important phases of colonial administration consists in public health work and sanitary control, made possible through the rapid development of tropical medicine (*q.v.*). But efforts to check smallpox or cholera or leprosy, involving compulsory vaccination or segregation, often arouse native hostility, and their continuance is for a long period dependent on the control exercised by the home government.

The education of the native population has been another rather general goal of twentieth century colonial administration. Schools and colleges established by missionaries have been encouraged and supported, and often government schools have been established on a large scale. Too often the conception of education is completely literary and shows little awareness of the values of the native culture. The American attempt not only to make the Filipinos literate but to give them the rudiments of an industrial training is an exception. Whatever may be said for the policy of education of a native population, it is certainly one of the most effective instruments of westernization.

The supplanting of native cultures is proceeding also through the forcible elimination of native practises. The attempt of the British Government to abolish suttee—widow burning—and infanticide in India is well known. Perhaps of even greater cultural importance has been the introduction of opium and alcohol by European governments into their colonies. The introduction of wage systems or the use of forced labor, by destroying the economic foundation of native society, is not only transforming native culture but producing new administrative problems. One of the major tasks confronting the colonial administrator today is the creation of a sane native policy (*q.v.*). As world economic relationships become closer the social systems and methods of exploitation of the great tropical colonies will affect more intimately the economic and political development of other countries. Whether or not nationalism or communism takes root in such colonies, their administration seems likely to present increasing difficulties. Colonial administration will probably continue to be a major branch of government for some years, but the conditions under which it operates and the assumptions on which it is based can no longer be taken for granted but must meet the challenges of new groups and new social philosophies.

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See: COLONIES; COLONIAL ECONOMIC POLICY; CHARTERED COMPANIES; EMPIRE; NATIVE POLICY; BACKWARD COUNTRIES; TROPICAL MEDICINE; CONCESSIONS; FOREIGN INVESTMENT; IMPERIALISM; DOMINION STATUS; MANDATE; PROTECTORATE; EUROPEANIZATION; INDIAN QUESTION.

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COLONIAL COMMERCIAL POLICY. *See* COLONIAL ECONOMIC POLICY.

COLONIAL ECONOMIC POLICY.

Approximately half of the world's land area consists of territories owned or controlled by a limited number of world powers, most of whose metropolitan areas are comparatively small. The controlled territories, with a few major exceptions, have economies almost totally different from those of the home areas of the colonial powers. Trade with colonies thus becomes important by virtue not only of its proportion to total world trade but also because of its essential nature as a necessary complement to the economies of the industrially advanced nations. By the same token the policies which govern the economic development of these colonies and their relationship to the mother country and other states assume great significance in the modern world economic order.

In Mediterranean and western world history the Phoenicians were the first great merchants and navigators. They founded important colonies and utilized them as centers of activity for their merchants. Later the Greek colonies, although they were essentially agricultural, also served as trading centers for Greek merchants. In the main no special treatment was accorded them. There were occasions, however, when legislation affected them. Thus during the Peloponnesian War the 2 percent Athenian import tariff was raised to 5 percent on goods from the tributary Athenian colonies. In this way it was hoped to recoup the revenue lost through the refusal of the colonies to continue the payment of tribute. Rome stressed commerce less, but its colonies were forced to pay tribute in the form of shipments of grain to feed the Roman population. With the commercial and industrial revolutions the era of modern colonization began. The industrial revolution brought a greater territorial division of labor and a concentration of manufacture in England and western Europe with a corresponding dependence upon outlying areas as sources of materials and markets for finished products. The systems of colonial control set up were primarily, though not exclusively, motivated by economic factors. At first trade may have "followed the flag," but even then the economic objective was often present; latterly, contrary to popular notion, the flag has often followed trade.

The development of modern colonial policy may be traced through three main periods. From the latter half of the fifteenth century to the end of the Napoleonic wars the Portuguese and Spanish, the Dutch and the French and English were successively the most effective nations in exploration, discovery and colonization. Their methods varied, but the entire period is characterized by the predominance of exploitation as the policy of the mother country toward the colony. This at first took the form of an attempt to obtain from the colonies their reputed fabulous stores of the precious metals. The general disappointment in this hope brought with it a policy of exploiting the natural productive advantages of the colony for the benefit of the mother country. It was the varying ability of these countries to adopt the policy of developing basic productive opportunities which largely accounted for the waning of Portuguese and Spanish influence, the Dutch successes, the rise of France as a colonial power and the final supremacy of Great Britain in building the greatest colonial empire of modern times. This process of exploitation, known as the colonial system, formed a part of the mercantilistic system of economic legislation. It was based upon the principle that the function of the colonies was to provide a source of raw materials and a market for finished products for the mother country. Accordingly, the development of industry in the colonies was discouraged; trade was monopolized by the government, a chartered company or the nationals of the mother country and the colony; and the use of ships owned by nationals of other countries was either forbidden or discouraged. Severe penalties were assessed for violations of the restrictive acts. Discontent with this system led to the breaking away of important colonies, as in the American Revolution, and a consequent doubt as to the ultimate wisdom of the policy.

Gradually the system was relaxed, and at the close of the Congress of Vienna a policy of moderation toward colonies prevailed. The growth of commercial treaties was the instrument through which the change was accomplished, but the basic reason back of the change was a realization that exploiting measures did not pay. This attitude was supported by a general liberal anti-absolutist movement in western civilization which affected not only economic affairs but also religion, literature and politics. It found expression in the American and French revolutions and notably in the capitulation of mercantilism to the economic philosophy of laissez faire. The movement in England culminated in almost complete free trade by 1850.

After the middle of the nineteenth century there was a remarkable revival of colonial expansion. New explorations in Africa created colonies and spheres of influence there. British holdings in Asia, Africa and Oceania became approximately four times as great as before and French holdings sixteen times as great. Germany, Belgium, Italy, Japan and the United States took their places among the colonial powers. This expansion was largely a result of the further growth of industrialism and of a consequently keener competition for markets. Trade with colonies became increasingly important. While recent official composite estimates are not available, just before the World War the colonies had nearly one fifth of all world trade, the total trade of colonial powers was three fifths and the total trade of empires over three fourths of total world trade. The importance of colonial trade for the mother countries varies considerably, but according to the same estimates it ranged from approximately 35 percent of the total trade in the case of Great Britain to less than 1 percent for Germany and Italy. The United States, with a colonial trade that amounts to only a small percentage of its total trade, depends upon the colonies of other powers to a great extent for the supply of strategic commodities and to some extent for market outlets.

Colonial import tariff systems are of three general types: assimilation, or the extension of a single tariff wall around colonies and mother country; preference, or lower rates for goods traveling within the empire; and the open door, or equal treatment for all nations, the relation of colonies and mother country in this case being that of separate nations. With the rise of the new colonial systems came a revival of restrictions on colonial trade, associated with the decline of laissez faire and the advent of modern protectionism in a number of leading countries. A policy of neomercantilism, more refined and indirect than the old colonial system and revolving principally about discriminatory differentials in tariffs and shipping, has characterized colonial economic policy since 1875.

Treaties between colonial powers have checked to some extent the spread of the discriminatory system. Open door treaties have often covered tariff and other relations with colonies. Rate limiting treaties have fixed maximum, minimum or uniform tariff rates for two or more colonies. General commercial treaties, which before the war usually contained the most-favored-nation clause, have sometimes given preference to colonies, although they have usually provided opportunities for future preference by excepting the colonies. The newer British commercial treaties, however, including most-favored-nation agreements, for the most part specifically include the crown colonies; the dominions may ratify them if they wish. Certain French colonies are now governed in part by conventional rates applying equally to products from France and other nations party to the conventions. This is rather inconsistent with the French general policy of colonial tariff assimilation. The new post-war commercial treaty structure shows little tendency to change these arrangements. With reference to the mandates, classes A and B provide open doors for League members only, class C for none; the result of Irak independence remains to be seen. In general, intercolonial trade is the same as trade with the mother country, especially among the French colonies. In the British Empire, however, and particularly among the dominions and the British West Indies, preference does not automatically apply to all colonies, although special agreements have provided extensions or interchange of preference.

Nations vary considerably in the extent to which they use the system of tariff discrimination. The Netherlands, Belgium and Germany have generally followed the open door policy, with moderate tariffs. Italy uses the preferential system to a large extent, and Spain and Portugal have, in the main, continued their preferential systems. France in 1892 adopted assimilation as its general policy, although it still has preferential and open door areas. Japan adopted assimilation in 1909 for Formosa and Karafuto and in 1920 for Korea, but Kwangtung leased territory is nominally an open door area. The United States employs the open door system in Samoa and the Canal Zone, assimilation in Porto Rico and preference in the Philippines, Virgin Islands and Guam.

While the British Empire also exhibits all three of the types, preference is widely found. From 1860 to 1919 Great Britain maintained the open door in India and in most crown colonies, with either free trade or low revenue tariffs. Hongkong and Singapore are often listed as open door ports, but they are more accurately indicated as free trade ports, since as great entrepôts and trans-shipment centers the erection of any considerable tariff wall would defeat its own purpose. After 1919, as a reaction to post-war nationalism, empire preference increased, although the open door is still maintained in places. The position of the four great self-governing dominions, Canada, Australia, New Zealand and South Africa, presents a peculiar problem. These dominions, having received fiscal autonomy, long since began to build their own tariff walls, sometimes extending high rates even to mother country products. The Union of South Africa and the Irish Free State have a double schedule, with the minimum applying to imports from the United Kingdom. New Zealand also has a maximum and minimum schedule, with a few special treaty rates. But Canada and Australia have a special form of multiple tariff schedule giving the mother country some preference. Their three-level schedule, maximum, intermediate and minimum, allows entry of mother country products at minimum, really a sort of subminimum. Most-favored-nations send goods in at the intermediate level and the maximum applies to all others. Even with this special device Great Britain has often felt she was not receiving generous treatment there. Conversely, when Great Britain after the World War partly abandoned its traditional free trade policy and adopted a certain amount of protection, some preference for the dominions was allowed. The Imperial Economic Conference of 1923 brought a renewed demand for mother country preference to dominion products, and the tariff act of 1926 extended the existing preference, in the tariff on key industries, for ten years. Meanwhile the imperial conference of 1926 gave to the dominions politically almost the status of independent nations. There is now a renewal of the older Chamberlain idea of empire free trade, a scheme which would create a tariff wall around the entire empire, including the United Kingdom, with free trade simply among the parts. It is hoped that this may revive some of the waning imperial economic unity. The 1930 Canadian Tariff Act, however, is an indication that there are forces working in the opposite direction.

The proportion of preference granted by the several tariff policies varies widely. It is often a reduction of two fifths or less on the regular rate. In the dominions it ranges from one fifth to one third or one half, although there are nonpreferential exceptions in the preferential system. On the basis of percentage of reductions granted, the United States and Japan rank first, followed by Portugal, France, Italy, Spain, the British dominions and the British crown colonies. Assimilation does not always equal 100 percent preference, since exceptions and minor charges may reduce the differential to 80 or even 50 percent. Various minor and indirect types of preference may be effectively used. These include open discrimination in minor duties and fees, discriminatory classifications, concealed discriminations through administrative discretion in valuation, enforcement of merchandise marks acts and similar devices. The total general effect of preference, furthermore, must be judged with reference to the total volume and value of trade and, especially, the commodity significance of the trade. British preferentials consequently attract more attention than their percentage of reduction would seem to justify.

Prior to the World War export duties had nearly disappeared from the European tariff structure but they continued to be of importance in colonial policy. Their rates were lower than import duties, since their purpose was primarily fiscal, rarely protective and preferential. Such duties permit the colonies to share in the profits of the exploitation of their resources. The sliding scale export duty on rubber under the British-Malayan-Stevenson plan was not preferential but was arranged for price valorization. The United States, as the world's chief buyer of rubber and seller of tires, was placed at a temporary disadvantage as a result of it. Preferential export duties have been used increasingly, as in the British Empire during the period of post-war nationalism. Some incidents of export preference have been noteworthy. The preferential duties on tin from British Malay affected chiefly the United States. The former preferential duty on hides and skins from India was one third of the 15 percent duty, although both rates and preference have usually been lower. Here the avowed purpose was to protect Indian tanning industries, but some American shoe manufacturers felt that an attempt was being made to force them to move their plants to Canada, within the preferential circle. On the whole, export duties, though more important than in mother countries, have not been widely used in colonial tariffs.

Under modern neomercantilism, assimilation and preference work almost exclusively to the benefit of the mother country. Metropolitan tariffs are designed primarily to protect the home market; assimilation under such tariffs protects the colonial market for home products. The products of the colonies, however, generally different from those of the home country, gain practically nothing from assimilation. Similarly, preference ordinarily helps the colonies little, for the colonial products, chiefly otherwise unobtainable raw materials and staples and sometimes distinctive foodstuffs, are usually admitted to the mother country free or with a low duty. Differentials may exist, however, in competitive cases, as in tobacco and sugar (for example, Philippine sugar entering the United States), or where duties are levied on the commodities for revenue purposes, as in the case of tea and coffee. The Imperial Marketing Board, established after the imperial conference of 1926, aims to secure for the British dominions and colonies some of the advantages sought through preference by stimulating a "consciousness of empire" which it is hoped will result in a greater purchase of empire products by empire inhabitants.

Colonial shipping policies are of various types. Metropolitan colonial and intercolonial trade may be open to all vessels, with no discrimination, as in some British, Dutch, Belgian and German colonies. Or the trade may be free in this way, but with preferential rates given to dutiable merchandise when transported directly from the country of export, as in certain cases of British dominions and British and French colonies. Preferential tariff rates or additional preferences may apply only if goods are carried in national vessels, as in the case of Portugal. Moreover, irrespective of tariffs, carriage may be restricted wholly or partly to national bottoms; Spain, Portugal, Japan and the United States have used this device at various times. Such policies help the national merchant marine but do not benefit trade, and the trend is away from their further use. In fairly rare cases preferential port and tonnage dues and fees are used. Bunkering discrimination occurs also occasionally. Of greater importance are larger phases of the merchant marine policies of leading nations. Often, if not usually, when direct subsidies, subventions, special mail contracts, loans to builders or operators and other aids are given to shipping, a government attaches conditions requiring maintenance of lines and routes between home and other ports; these others are frequently colonial. The merchant marine policy thus includes maintenance of economic connections with colonies.

The importance of trade finance in colonial economic relations is indicated by the large network of branch banks and other financial agencies which Great Britain spread throughout her overseas possessions prior to the World War—the most widespread and successful system of its kind. The British colonial commercial system is almost inconceivable without the colonial banking system facilitated by British legislation. The export of British capital to the colonies has been mainly in connection with trade or for investments in colonial enterprise or government bonds. Although complete authentic figures are not available the United Kingdom is estimated by some to have as much as $15,000,000,000 to $20,000,000,000 abroad, of which $3,500,000,000 are in India and over $2,225,000,000 in Canada; these estimates, however, seem high. A goodly proportion of the total is certainly in various parts of the empire. The flow of capital from other colonial powers—Germany, France, Belgium, Japan and, especially in recent times, the United States—has been only in a small degree toward their colonial possessions.

The basic phase of colonial economic relations and policies is that which may be generically termed industrial, including extractive operations and construction as well as manufacturing. These relations and policies are not only important in themselves but in turn affect trade and trade policy. With regard to them, treaties guaranteeing the open door are rare and often the policy is one of restriction through legislation or administrative action. This entire category is sometimes covered by the phrase "the concession system," but this is not entirely accurate since outright ownership is just as important as leasing and the term generally implies only the latter. Acquisition by leading British, British-Dutch and American oil companies of petroleum resources in outlying areas, including important colonies, although it may not be entirely typical because it is marked at times by spectacular rivalry, serves for emphasis. In such cases the open door prevails in many colonies, especially where the oil resources are less important, and American and French interests have recently obtained participation with the British in Irak. In the British Empire the policy varies widely from colony to colony. But some of the most important petroleum deposits in the British and Dutch empires, for example Dutch East Indies, have been closed legislatively or administratively at various times. In the case of non-ferrous minerals there are many instances of exploitation advantage through colonial policy, though here again there are instances of the open door. The leading plantations are usually owned and managed by mother country enterprise. For a comprehensive program of industrial and transportation utilization perhaps no more striking case is found than Japanese operations in Kwangtung leased territory and in controlled portions of South Manchuria.

An important phase of colonial economic policy, especially in the case of tropical colonization, is the question of the economic treatment of the natives. Frequently land owned by natives has been expropriated to make possible exploitation of the soil and its resources. White labor is generally out of the question, and it has often been necessary to adopt policies of actual or approximate compulsion in order to get the natives to work for the whites. Forced labor has sometimes been a matter of definite legislation, sometimes of policies of private companies. Occasionally the same end has been achieved by levying a head tax upon the natives, so large that they must remain constantly at work in order to pay it. Wage policy has been the subject of a conflict between producing and commercial groups in the colonies. The former, seeking low costs, have tried to keep wages low, while the latter, interested in increasing consumption through a higher standard of living, have urged the payment of higher wages.

A survey of the restrictive features of colonial economic policy emphasizes the negative and exploitative aspects of the question. The following phases should not be forgotten: the frequent lack of restrictions and exploitations; the still more frequent absence of discriminations; the considerable economic benefits to the world at large and even to the controlled areas; the natural character of many of the policies, on the basis of differentiation of area economies, and the likelihood of their continuation in one or another form.

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See: COLONIES; COLONIAL ADMINISTRATION; ECONOMIC POLICY; COLONIAL SYSTEM; MERCANTILISM; ACTS OF TRADE, BRITISH; ASIENTO; CHARTERED COMPANIES; COMMERCIAL TREATIES; CUSTOMS DUTIES; PROTECTION; BOUNTIES; SUBSIDIES; FREE TRADE; OPEN DOOR; SHIPPING; RAW MATERIALS; FOOD SUPPLY; PLANTATION WARES; FORCED LABOR; FOREIGN INVESTMENT; CONCESSIONS; NEOMERCANTILISM; IMPERIALISM.

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COLONIAL SYSTEM is a term used to designate an arrangement by which a mother country attempts to bind her colonies to herself by commercial ties, with the primary object of promoting her own economic advantage. The precise form of such a system depends on a number of factors, chiefly on the opportunities offered by the natural resources of the colonies and the uses for them suggested by the dominant economic notions of any given period.

The most famous and most fully developed colonial systems were those which resulted from the policies of the countries of western Europe from the beginning of the period of great geographical discoveries in the fifteenth century to the end of the eighteenth century. Under the influence of growing national self-consciousness and the conviction that in trade one nation gained at the expense of another each of these countries pursued a policy of strict monopoly of colonial trade. Spain was the pioneer. Her conquests in Mexico and Peru gave her access to supplies of the precious metals, while the stress laid by contemporary economic thought on the importance of the accumulation of stores of gold and silver as the means of building up national power suggested the course she ought to adopt. Hence the Spanish system involved a complete state monopoly in which all other considerations were subordinated to that of getting and transferring to the mother country the maximum amount of the precious metals. Naturally Spain's European rivals attempted to intercept the Spanish fleets, and Spain was consequently obliged to provide convoys and limit sailings. The Spanish colonists felt the scarcity of shipping so severely that visits from foreign vessels were welcomed and illicit trade developed.

The countries which took advantage of the necessities of the Spanish colonists were no less convinced than Spain that to allow foreigners free access to their colonies was prejudicial to the national interest. That they avoided some of the crudities of the Spanish system was largely due to the fact that they did not have the same temptations, since direct importation of the precious metals from their colonies was not possible. The contemporary faith in trade regulation furnished a clue to the policy to be followed. The mercantilist doctrine that for any country exports must exceed imports in value in order that the difference should be paid in treasure involved a close scrutiny of trade to discover whether the balance was favorable or unfavorable. To correct unfavorable balances it was possible for a country to restrict or prohibit the importation of luxuries or commodities which could be supplied at home, but there were always necessaries which had to be obtained from abroad. Colonization seemed to offer a solution of this problem. The activities of the colonists could be so directed by the mother country that its dependence on foreign countries for certain commodities might be eliminated and new markets for its manufactured goods developed.

These were the basic ideas which governed the early colonial policy of France and England. The French colonial system was one of strict political and economic control. Her colonists were to purchase manufactured goods from France; the produce of the settlements was to be exported to France. Colbert (*q.v.*) was not an innovator in this field but tried to extend and enforce principles which were generally regarded as sound. Although England allowed her colonists considerable freedom in developing their political institutions she also elaborated a code of commercial regulation. The colonists were not to establish industries, such as wool and iron, which would restrict their demand for English goods. Specified products, such as sugar and tobacco, were to be sent to England for reshipment. The carrying trade between the mother country and the colonies was limited to English (including colonial) shipping. These arrangements seemed justified to contemporaries on a number of grounds. It was argued, for instance by Josiah Child (*q.v.*), that emigration was an economic loss to the mother country unless colonial trade was strictly regulated by law. England had permanent unfavorable balances in trade with the Baltic and the Mediterranean areas. The Baltic trade was largely in naval stores, such as tar, pitch, masts and the like, which were indispensable. Bounties were therefore paid on the production of these commodities in the American colonies, while the hope was entertained that the climate of the Carolinas would enable them to supply Mediterranean products. Some mercantilist writers, for instance Joshua Gee, strongly advocated a wide extension of the bounty system. Great stress was also laid on the importance of the colonial trade as a means of promoting employment at home. The manufacture of goods for a reserved market, the building and manning of ships for a monopolized trade and the handling of such products as sugar and tobacco, large quantities of which were reexported, seemed calculated to achieve this end.

The colonial system, particularly that of England and France, was gradually fashioned by these ideas and may be said to have taken definite form in the later years of the seventeenth century. But it was then already becoming clear that colonial systems could not remain mutually exclusive. In a treaty of neutrality of 1686 England and France had agreed not to trade with one another's dependencies, but it was impossible to maintain the balance within a single system so that it should be self-supporting. On the one hand, the French West Indian islands developed sugar production to such an extent that the planters and their slaves could not get adequate supplies of necessaries from France and the French settlements scattered from Canada to Louisiana. On the other hand, the New England colonies had a surplus which could not be profitably disposed of in the English West Indian islands. Consequently, the illicit trade grew. An attempt was made in the so-called Molasses Act of 1733 to suppress the trade between the New England colonies and the French plantations, but from its passage it was practically a dead letter. This was the most striking breach in the colonial system and it proved to be one which could not be healed, for when in 1764 England tried to enforce control in a modified way immediate resistance was aroused. Nevertheless, the idea that colonies could be fitted into a preconceived scheme in defiance of basic economic facts died hard. It survived the revolt of the American colonies and the arguments of Adam Smith, but the nineteenth century witnessed its supersession. The Spanish settlements in South America became independent republics and the principle of self-government, with the necessary corollary of fiscal autonomy, was recognized within the British Empire; while the principle of freedom of commercial intercourse was extended in large measure to all modern colonies. Only in attempts to create favored customs areas can one trace the persistence in modified form of the assumptions underlying the developed colonial systems.

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See: Economic Policy; Mercantilism; Colonial Economic Policy; Colonies; Colonial Administration; Chartered Companies; Asiento; Acts of Trade, British; Shipping; Bounties; Protection; Commercial Treaties.

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COLONIES. The term "colony" (Latin *colonia*, Greek ἀποικία) originally meant a transplanted fragment of a human society. This settlement might be in full possession of its new home or merely an organized group in the midst of a foreign and even a hostile population. It is thus still correct to speak of the Italian "colony" in French Tunisia or the European "colony" in Tokyo, although both are subject to foreign jurisdiction. In the political sense a colony is either (a) a settlement of the subjects of a state beyond its frontiers or (b) a territorial unit geographically separated from a state but owing allegiance to it in some specific and tangible way. In the contemporary world the second meaning has overshadowed the first. For example, Australia and Algeria are not technically "colonies," although outstanding examples of the transplantation of British and French citizens respectively. Australia is a dominion; Algeria is considered an integral part of France. Morocco is a protectorate, not a colony, although many Frenchmen live there and the administration is largely controlled from Paris. On the other hand, Indo-China is technically a colony, although Frenchmen form less than one percent of the population.

The significance of colonies has changed so much with the passage of centuries that there is no hope of grasping it in the large except by a resort to history. Colonization of the various types has been one of the most powerful instruments making for the diffusion of culture and for the economic and political integration of the world. Under various names two main types are generally distinguished: the settlement colony and the exploitation colony.

In general, the settlement colony is one in which the geographical environment is not very different from that of the mother country. It is all the more characteristic if the area settled is sparsely populated and the natives are decidedly inferior to the colonists in economic organization. The early English colonies on the North American mainland are good examples—Australia perhaps better still. The exploitation colony, on the contrary, consists typically of a small group of business men, administrators, soldiers or all three, thrust into conditions quite different from those of their home country. The region may be densely populated by natives and possessed of a mature civilization. Many such colonies are in the tropics and subtropics. If the mother country is in the temperate zone the two sets of natural resources differ greatly. There is a tendency, therefore, for colonial plantations to develop, specializing in crops not suited to home conditions. Slavery and forced labor are likely to appear where climatic conditions are such that the colonists cannot endure sustained physical effort.

Other classifications cut more or less across the usual one, as stated above. Colonization is sometimes official, or fostered by a government in its own interest. Sometimes, on the contrary, the motivation is predominantly private. Individuals, guild groups, or chartered or regulated companies migrate—also in pursuit of their interests as they see them. Government permission is generally involved, but not always. People may leave a tolerable situation at home in order to better themselves; but if conditions at home are deemed intolerable a migration may take place without any adequate knowledge of what awaits the colonists. Here the definite motivation is rather away from than toward something. Finally, these permanent migrations are great or small in point of distance, by sea or land and to contiguous or non-contiguous areas. All these classifications are likely to be interwoven in actual cases, as the following historical sketch will suggest.

Chinese colonization has expressed most of the simpler types—down to the time when great national states formulated intricate commercial policies and sought distant raw materials for home industries producing for a real world market. Conquests beyond the frontiers in Manchuria, Mongolia, Tibet and Tonkin, mainly to curb disorder and make these frontiers safer, were followed by Chinese colonization. Native leaders were assigned ranks corresponding to those of Chinese society. Other Chinese then emigrated, including tradesmen, farmers, criminals and political refugees. Most of these colonists were males, who intermarried with native women, acquired property and set up what was in many ways an extension of the home civilization. Later, individual enterprise led vast numbers of Chinese to migrate southward into Indo-China, the various Malay countries and eventually almost around the world. Although China followed up these migrations to some extent with the assertion of authority, her political organization did not prove adapted to a well knit colonial empire.

The territories of the Phoenician city-states were too small for a teeming population, exposed to invasions from the great land empires. In fact, the prosperity of this strip of coast in the eastern Mediterranean was founded on easy access to and from Asia by land routes and its frontage on the "middle sea" of the ancient world. Civilization was advancing westward. Phoenician traders carried luxuries and manufactured wares to the ruder peoples of the West and collected raw materials such as copper, iron, lead and gold. From the African coast they took wool, hides, ivory, ostrich feathers, perhaps livestock and almost certainly slaves. Although Phoenician trading posts and some actual colonies were scattered around the Aegean and Mediterranean seas by 1100 B.C.—the period of Sidon's early leadership—it was later under Tyre that the Phoenicians were the great civilizing agents. Carthage (Karth-Hadeth, or New City), founded about 800 B.C. when Utica near by was already centuries old, became the outstanding commercial center of the West after the decline of Tyre. Generally the Phoenicians contented themselves with defensible and well situated trading posts. Some of these, like Carthage, grew so populous that they were obliged to incorporate agricultural areas to insure their food supply.

Outside of western Sicily and the northern part of what is now Tunisia, which were developed intensively, Carthaginian colonization was of the loose commercial type. Carthaginian power rested mainly on a system of alliances with native chieftains, on fleets and on the ability to hire mercenaries with the profits of trade; ports, mines and inland trading centers were widely scattered. Commercially ancient Carthage occupied somewhat the situation of London in the contemporary world. In the main it aimed at political dominion only when forced to do so by Greek and Roman competition. There can be no doubt of the tremendous role played by Phoenician and Carthaginian colonization in transmitting westward the highly developed material culture of the ancient Near East. Moreover, the Near Eastern social structure and religious bias were never overcome under the Romans. Successive eastern religions, including Mithraism, Christianity and Judaism, developed great theologians and militant leaders in the territory of old Carthage, were torn by passionate schismatic movements and disappeared under the waves of the new, less occidentalized faith of Mohammed.

Greek colonization gradually supplanted Phoenician in the Aegean and eastern Mediterranean after about 750 B.C. The Greeks, especially those on the European side of the Aegean Sea, proved better insulated from the imperial adventures of Egypt and the great land powers of western Asia. The home lands of the Greeks, like those of the Phoenicians, were valuable rather because of their situation along potential trade routes than for their natural produce. The Greeks scattered trading, mining and agricultural settlements from the Black Sea to the western Mediterranean. Unlike the Phoenicians who remained behind, the Carthaginians were beyond the reach of the Egyptians, Assyrians and Persians and were thus able to check the Greek expansion westward.

The typical Greek colony was modeled closely after its home city but was largely independent, although the cleruchs, or transplanted citizens, of certain Athenian settlements retained their citizenship. No tribute was exacted by the mother city-state. Émigré citizens enjoyed very general exemptions from civic, legal and religious duties in Athens, and local autonomy included even the right to coin copper. Yet the Athenian courts assumed superior jurisdiction in some cases.

The evolution of the extent of control from the home city was curious. Generally planted, like those of Phoenicia, as trading stations, the colonies were often closely supervised at the outset. But they showed a much stronger tendency than the Phoenician colonies to spread out and become largely agricultural. When they had reached this stage they were practically autonomous and sometimes they achieved full independence. The home community often protected them and it was considered a crime for a daughter city to attack its parent. A close similarity of social life and common trading interests preserved connections which were actually much more tangible than they seem to us. In the end, colonies like the Athenian cleruchies showed a return to a more formal system of control and an approach to the later Roman type.

Alexander the Great attempted to combine the advantages of the trading communities founded on the basis of free or largely autonomous cities with the disciplined unity of the great land empires which he conquered. His triple purpose in founding his colonies was to provide homes for veterans, garrison conquered territory and Hellenize his empire. Similar policies were continued by the Seleucids and Ptolemies who succeeded him. Alexandria in Egypt soon had around 400,000 inhabitants; Antioch was slightly smaller; Seleucia, on the Tigris, was the third city of really imposing size. The importance of all these was due in large part to the already considerable Levant trade which reached the Mediterranean by ships and caravans. Hellenization largely failed, even the colonized veterans being in the main non-Greek mercenaries. Many of the Greek officials merely enriched themselves, and the attempt to associate them with orientals in a workable administration proved futile. Trade and trading colonies languished in the too rigid framework of centralized authority. Exploitation, discontent and bankruptcy were gradually dissolving the Hellenistic empires into their constituent trading and agricultural elements when Rome inherited the idea of uniting a huge territory under a god ruler and a legal framework which would serve if not satisfy interests of every type.

Under the force of Greek and native competition Carthage might have achieved a genuine, well knit colonial empire but for the rise of Rome in the larger, richer environment north of the Mediterranean. Before Rome became an empire in the dual sense of far flung dominion and deified authority at the center, the state had expanded in Italy and even beyond. This early colonial expansion had been almost entirely by official conquest and settlement. Overpopulation had never been a real problem and the original Romans were not a trading people like the Phoenicians and Greeks. They colonized veterans more or less systematically and occupied one piece of adjacent territory after another to suppress frontier nuisances and gratify the impulse toward dominion. Likewise in the imperial period the Roman state suppressed one rival after another, settlement through emigration coming later if at all. Often the interval between conquest and emigration was fairly long, as in the case of Africa after the destruction of Carthage. There was little interference with local customs which did not obviously clash with the Roman law. The Latin language became the official, although not always the popular, one. Taxes and military service were generally less burdensome than before. Roads were built to unify colonial areas commercially and facilitate the keeping of public order. Religions were Romanized to the extent of suppressing elements contrary to Roman law and inserting the religious-patriotic attitude deemed by the government necessary to its safety.

Full Roman citizenship was finally conferred upon colonists, but most of those who enjoyed its privileges were of native origin, more or less Romanized. These undestroyed roots of native culture retained enough vitality under the grafted Romanism to be a source of weakness to the empire when the crisis of disruption came. Colonization, both as a process of actual transplantation and as a reshaping of ethnic elements already on the scene, lagged behind the official measures too uniformly to produce real vitality. Too much political direction from Rome was unhealthy; extensive industrial concessions led to an artificial social system which, as population increased and the submerged classes grew conscious of their position, made trouble in places like north Africa; and the economic effects of too much political interference in business enterprise were equally bad. Roman policy encouraged dependence upon Egyptian and north African grains and oils, allowing Italian production of these staples to decline. When the fairly regular Egyptian supply was diverted to the new capital at Constantinople and the more erratic north African supply jeopardized by social unrest and civil wars, Italy's position became worse than it had been before the expansion beyond the peninsula.

Mediaeval Italian city-states like Venice and Genoa planted colonies along the trade routes. After the beginning of the crusades various Italian colonies in Near Eastern trading centers were able to bargain for an autonomy amounting almost to independence within the feudal states and fiefs set up there by force of north European arms. These colonies often had important rural holdings adjoining their quarters in the towns. They had their own laws and administrative machinery, modeled upon those of the home cities, which exerted over them a close supervision. Tax immunities to religious bodies crippled state finances, and the feuds of rival trading towns helped to further the reaction to Mohammedanism. In the end, many of the Italian colonies survived the wreck of the feudal governments and continued to enjoy their privileges under the Moslems. But it should be remembered that European colonization across the Mediterranean in the Middle Ages was always artificial. In spite of the colonization the Mohammedans remained in control of vital links in the trade routes from Orient to Occident, across the Indian Ocean and through the vast arid crescent stretching from Morocco to the Red Sea and on around to the heart of Asia. Europeans were tolerated in terminal positions where their presence was an advantage to the Moslem middlemen in the eastern trade.

The mediaeval European colonization of lasting interest was the product of the great expansion northward and eastward during this period, which settled and organized the two thirds of the continent never held by the ancient empires. Monks led in the reclamation of central and eastern Germany, although the work was taken up also by political units and lay groups of emigrants from overpopulated regions like the Low Countries. The Eastern church played a similar role in the opening up of Russia. This great "expansion of Europe" within the continent itself is one of the most important and most neglected colonizing movements in history. It was the preliminary to the more familiar expansion of Europe overseas at the opening of modern times.

Portuguese colonization down the African coast was a continuation of the crusading struggle with the Moors. Defeated on land in Morocco, the Portuguese extended their line of ports and crept southward by sea until by the middle of the fifteenth century they had reached the east-to-west Guinea coast. Here they found wealth in the form of gold and slaves. These resources, the revived ancient belief that the treasures of the Indies could be reached by sea and the continued zeal of the struggle with Islam led them on, until they reached their goal in another half century. Their establishment in Brazil must be set down to accident. An Italian adventurer, Columbus, had vainly tried to sell the Portuguese government the rival scheme of a westward voyage to the Orient. During a lull in the Spanish crusading wars with the Moors the crown of Spain took up this plan as a sort of gambling chance. While the identity of the lands thus far reached was still in doubt, the pope tried to avoid trouble between the two rival colonial powers by setting up an arbitrary north-to-south line as a boundary. Unaware of the eastward projection of northern South America, the treaty makers of 1494 so placed this line as to give Portugal eastern Brazil.

The dominance of Portuguese colonization came at the beginning of a period of commercial change. Regular commercial trips across the open sea had been made in the Indian Ocean since the first century of the Christian era, but mediaeval improvements in navigation instruments, maps and shipping gave such voyages an entirely new degree of safety, cheapness and flexibility. Especially was it now more feasible to vary the itinerary as to time and points of call, independently of seasonal winds and currents. European states were able to get around the western end of the long Mohammedan barrier to oriental goods and to break the Moslem monopoly of trade across the Indian Ocean. Both these direct sea voyages into far eastern waters and the similar ones to America were expensive, but national states had been forming in Atlantic Europe capable of raising the funds and controlling the markets demanded by enterprises of the new scope.

Except for the scale of operations, Portuguese trade and colonization departed little from the time honored mediaeval precedents of strict governmental control and emphasis on commerce rather than settlement. Italian and German financial backing and established Low Countries markets were used. During a century of practical monopoly of the new eastern routes the transport economies were such that the little country was greatly enriched. The old Levant forwarding trade languished and with it the commercial primacy of the Italian towns. Brazil became a tropical plantation colony before its gold mines were important. Even before the sixteenth century was over, Dutch and English interlopers had broken in upon the African slave trade which grew up with European plantation and mining activities in the tropics and subtropics. Both Portuguese and Spanish operations were so tremendously profitable as to conceal the fact that they might have been much more so with less sacrifice of flexibility and private initiative. The emphasis upon missionary enterprise was to be expected from the nature of the populous tropical plantations and mining settlements, as well as from the relationship of church and state in passionately Catholic countries at the time. Nevertheless, the division of authority between clerical and lay administrators was to prove a great handicap to efficiency in the later competition with other nations.

Spanish and Portuguese policies were similar, except that Spain drew her great wealth from accumulated treasures and, later, mines of precious metal rather than exotic plantation products and handicraft wares. Labor and native relations raised much the same problems for both countries, as did also missionary activities and the schisms of authority between state and church officials. The revolt of the Low Countries and the conquest of Portugal by Spain ruined the Portuguese monopoly of north European markets. Both the Dutch and the English saw that Spain's colonial and trading supremacy depended upon sea power to protect the lanes she used. The disaster to Spain's great fleet in 1588 gave them courage to embrace a systematic policy of wearing down this weakest link in the Spanish system. Another fatal weakness in Spanish and Portuguese colonization was the lack of an industrial development adequate to supply the needs of the colonists. Dutch, English and French goods were so much cheaper and more varied that the colonists bought them in spite of prohibitions. Buyers and sellers shared with state officials the enormous profits of clandestine trade. In 1701 the asiento, or contract right to carry African slaves to the Spanish colonies, was given to the French, and in 1713 by force of arms it fell to the English, together with trading privileges which formed an entering wedge into the Spanish commercial monopoly.

Spain scattered the money power her colonial mines gave her in fruitless European wars. The soldiers she hired were economically a pure loss, and the supplies she bought encouraged the economic development of her competitors rather than her own. Moreover, Spanish prices rose inordinately with the rapid introduction of silver and attempts to prevent its escape abroad. The high prices stimulated imports, and even when imports were made illegal the price differentials were often so great as to invite the corruption of officials. A Casa de Contratación, or Bureau of Commerce, under the royal Council of the Indies regulated colonial trade in such detail that there was little room for the private companies and individual enterprises which played so great a role in the countries north of Spain and Portugal. The Portuguese Casa da India was very similar.

Both of the Iberian countries transplanted their languages, and to a considerable extent their social institutions, to vast areas overseas. They failed to make any adjustment in their policies commensurate with the extent of their opportunities, so that neither of the countries profited materially in the end. This was largely due to the mercantilist notion that colonies should be economically exotic, complementing the trade and industry of the home country at all points and never competing with her products. All the nations shared this prejudice in favor of exploitation colonies in early modern times; England had it almost, if not quite, down to the American Revolution. It was the misfortune of Portugal and Spain that they were first in the field and that their entire colonial history was dominated by this ideal. Settlement colonies were to prove superior as aids to solid national growth, in spite of the low esteem in which they were long held and in spite of attempts to make them economically exotic in defiance of their basic geography.

France was the first great western nation to collide squarely with the military power Spain derived so largely from her colonial treasures. This struggle was mainly European during the sixteenth century, however, and in spite of the famous demand of Francis I to be shown the paragraph in Adam's will which left Spain and Portugal the sole places in the sun, it was not during that period extended to the colonial possessions. Although the Dutch and English actually led the serious direct assault upon that monopoly, France's first colonial empire represented a deviation from the type established by the Iberian countries. It was an intermediate type between these colonies and those of the northern countries. In her position as a continental land power France developed a centralized government capable of mobilizing her resources in crises. As a sea power with strong Mediterranean interests and a Turkish alliance she faced two ways, somewhat like Spain. Such a political organization, so situated, was sensitive about the diversion of important resources by groups of private business men for distant ventures. Richelieu wished to imitate the great Dutch private companies, but most of his charters were abused, abandoned or associated with state aims in almost Spanish fashion. Nevertheless, French colonization took firm hold in Canada, the West Indies and Senegal. Colbert (controller of finances 1661–83) founded more imposing companies, but most of them were short lived. The European imperial schemes of "Grand Monarchy" made enormous demands upon French resources which everywhere hampered the execution of the most far sighted colonial policy of the old regime. Representative government had disappeared and French business interests had no adequate way of expressing themselves. Colbert's nice phrases about commerce being free as a product of "the pure will of men" did not prevent him from leaving colonial trade in the straitjacket of government regulation known as the *pacte colonial* or "old colonial system." Colonial laws were framed in Paris and intendants sent out to supervise their administration.

Missionary activities played in the French colonies a lesser role than in the Spanish and Portuguese but a much greater one than in Dutch or English possessions. France stressed the mercantilist notion of non-competitive colonial production almost as much as did Spain. Neither Canada nor Louisiana ever attained as factors in French commerce the importance of the East and West Indies and the African coast. The settling of families was never particularly stressed, and religious dissidents, when not forbidden to emigrate, were discouraged from doing so. The West India plantations, then the world's sugar bowl, were commercially cropped by the aid of slave labor. East India was almost entirely lost in the end because the French government was too much preoccupied in Europe to furnish a moderate amount of support. The populous English colonies on the North American mainland overcame the thinly peopled French ones. Finally, the transplanted Africans ejected the French planters from the richest West India colony, Saint-Domingue, and only fragments of a colonial empire remained. Like other nations at the time, France had emphasized the exploitation colony, whose climate and conditions did not favor the multiplication of Europeans. Unlike England, she had not been inadvertently saved by private enterprises, which made the most of the colonial leavings and prepared a future which nobody clearly foresaw.

Dutch companies were in many ways the pioneers of a new era of colonial expansion. After the Spaniards had ruined the southern Netherlands in the sixteenth century, Amsterdam became the leading financial center of Europe. In their advanced banking and exchange methods and their truly revolutionary standardized production in such industries as shipbuilding, the Dutch possessed elements of undoubted superiority over their competitors. But the Netherlands is a small country, with natural resources limited even for its area. Moreover, the Dutch placed too much emphasis on purely commercial advantages, too little on actual settlement. New Amsterdam, their one most promising colony in the temperate zone, was lost largely because of bureaucratic administration which crippled free enterprise and failed to enlist the loyalty of the colonists. The result was that the English forged ahead. Allied with England through a common royal family, a common Protestantism and a common enmity against France at a critical period, the Dutch somehow wriggled through modern history without losing their East Indian empire. But they had not the luck of the English to prepare themselves unconsciously for an industrial revolution which was to stress coal and iron as well as sea power, rational economic organization and broad markets.

A set of fortunate coincidences launched England in the colonial race at just the right times and places. Among these coincidences were her isolation from continental disturbances, a juncture in an agricultural transformation and a religious revolt which gave her emigrants to spare, the development of her fisheries and the weakening of Hanseatic trade competition. During the sixteenth century, moreover, Englishmen accumulated blocks of mobile capital through trading ventures in the Baltic and elsewhere and by looting Spanish treasure ships. The joint stock principle of organization had reached northern Europe from Italy. Portuguese trade in the East was developed but vulnerable after the conquest of 1580 by Spain, and Spain was herself weakened by her military efforts and the loss of her ill advised Armada of 1588. Tobacco culture had been Europeanized by the Spaniards and a market built up. The eastern margin of North America was open to colonization, semicivilized natives having even cleared a good deal of land and established food crops. Nor can we discount the effect of an imaginative literature about

America, tending to make the initial task of colonization seem easier and more remunerative than it actually proved to be.

The complex material interests of Englishmen were given better representation in their government than was the case in Portugal, Spain or France. Accompanying ideas and habits of self-government were especially important at what was then a tremendous distance from the home country. The North American mainland was relatively unpopulated and unexploited, yet suited by conditions of climate and soil to the settlement by north Europeans. All attempts failed therefore to make this temperate zone region fit into the mercantilist scheme of exotic, non-competing plantation colonies. Monopoly privileges granted by charters and patents to private groups and individuals could not be closely regulated at such a distance, in environments to be conquered by settlement rather than by the methods of exploitation which had grown up in trading ventures and plantations in hot countries. Much of the business mechanism of colonization was transplanted, became semi-autonomous in the process of meeting new problems and gradually acquired characteristics of its own.

By the eighteenth century this block of settlement colonies had developed into an enormous paradox in a national and world system founded on the plantation colony idea. England herself had vast interests in the East and West Indies and was inclined to favor these regions as fields for business enterprise and conquest rather than settlement. Her colonial administration was thus a house divided against itself. In the end her government failed to adjust itself in time to the peculiar economic needs of the settlement colonies. The idea of dominion status, based on equality and community of interests between practically free nations in perpetual alliance, matured only after an American war of independence and an industrial revolution had undermined the old policies and pointed the way to the new.

In India repeated reforms and increased regulation of the great East India Company failed to solve a problem which grew more complex with the passage of time. Amid the world communications and markets of the nineteenth century, the political responsibility of governments could no longer be delegated to private trading corporations. After the Sepoy Revolt of 1857 the British government superseded the company, and two decades later India was made technically a separate state under a common British queen empress. Since then this vast and largely tropical territory has made long strides in the general direction of dominion status, but the problem of India in the British colonial system is still far from solved.

Colonial handicraft products such as textiles were widely copied in Europe. This market, purloined from the civilized tropics and greatly enlarged by the addition of newer colonies, laid the basis for mass production or the duplication of articles and processes on a large scale. Thus it became possible to isolate operations and simplify them to the point where they could be repeated by machinery. Economies achieved through such mechanization so enlarged the markets for standardized industrial products that for a time the old mercantile struggle for colonial monopolies seemed unnecessary. During the whole middle part of the nineteenth century, governments—in which business interests were now more fully represented—generally adopted a negative attitude toward colonies. For example, Frenchmen violently objected to Algerian competition with their agricultural produce but were on the whole lukewarm to projects for introducing non-competitive economic activities.

Then gradually appeared the shift "from Manchester to Birmingham"—that is, from emphasis upon markets for consumption goods to those for productive machinery. It soon became apparent that by building railways, exporting machines and generally Europeanizing economic life in new or backward countries the markets for finished products could be created. But this meant also that there were limits set upon the creation of fresh markets. Producers' profit margins narrowed, and some industries were always in danger of migrating to cheaper labor or raw materials and nearer markets. Where the falling cost of transport enabled old centers to hold their industries in spite of distances, there was often the problem of insuring the supply of some indispensable raw material. Reversing the whole current of world history so far, the new mechanized industry found it necessary to dominate commerce.

In the economic regime of closely figured differentials between costs and sale prices European investors more and more calculated the relative advantages of plants located thousands of miles apart. The ensuing "export of capital" across frontiers and into regions offering the best combinations of profit and safety initiated a new colonial struggle. Protection and public order take on an entirely new importance where expensive equipment has been placed, requiring years or decades to return its cost to investors. Representative governments which largely balance and express the force of complex material interests cannot avoid taking part in the struggle for basic raw materials, opportunities for placing capital and markets for such consumers' goods as cannot be made in competition with other producers unless sold in large volume.

In this new colonial era England had certain appreciable advantages. She had the great textile markets and the lead in the change to power machinery. As a largely monopolized investment field India is no less important than it once was as a different type of market. The Suez Canal, acquired at the beginning of the contemporary colonial movement, is a vital key not only to Australasia and the Indian empire but to the trade with other parts of the Orient as well. England's imperial route through the Mediterranean is safe only to the extent that the contacts of other colonial powers like France and Italy with their possessions across that lane are unsafe. Perfect security from war would make these terms meaningless, but such security must first of all satisfy the economic interests which play upon the governments through their representative machinery.

Germany after her consolidation into a national unity found herself hampered in colonial and trade competition by the entrenched special privileges of her older competitors in a large fraction of the world. She shared in the general scramble for what remained undivided in Africa in the railway age. Failing to get really valuable settlement colonies of her own, she associated herself with the Turks to modernize a vast Near Eastern territory which had stagnated economically after the great early modern trade routes took their course around it. German penetration by land was felt to be a menace to the British water route through Suez. It also cut squarely across the outlet to warm water at Constantinople which the Russians had long planned to own one day. By vitalizing the Turkish Empire the German scheme also threatened Russian colonial expansion over the Caucasus and into Persia. Nor did France, the traditional ally of the Turks for centuries, view this new alliance with friendly eyes. The transformation of the whole Near East promised by the Bagdad Railway and by the system of alliances and other arrangements accompanying it affected the treasured privileges of so many powers, large and small, that it must be put down as a major cause of the World War. Germany's position in northeastern China excited the jealousy of Japan and to some extent of other powers as well. The various Moroccan crises were mainly the result of Germany's refusal to allow the traditional "interested powers" to increase their privileges without international sanction or the granting of compensation.

Russian colonial expansion eastward across Siberia is one of the historical phenomena of modern times. It has been aptly compared with the westward expansion of the United States. Both were made fully realizable in vast, largely open and largely empty regions by the development of the railway. The Russo-Japanese War halted the Russian advance upon China; and the clash with British colonial interests near the borders of India was quelled only in the presence of the German menace to both parties. Post-war Russia, organized as a federation of heterogeneous groups, has resumed the colonial race on terms which her rivals denounce as a betrayal of the traditions of occidental civilization.

France, in her new colonial empire as in her older one, has perhaps held closer to the historic precedents than any other great power. She has emphasized commercial advantage and exotic, non-competitive products rather than settlement. This has been due in part to the type of lands available to her in the nineteenth century. Algeria was geographically suitable for French settlement, but it had a population of its own with an ancient and proud civilization. This colony, since absorbed into the home administrative framework, furnished the model for later efforts. Besides being mainly tropical Indo-China was also peopled and civilized when the French arrived. This great region is a mixture of protectorates and colonies, the former arrangement working better than the latter. France had no considerable surplus population to put into Tunisia, which could not be annexed outright in any case because of international complications. The protectorate there is a greatly modified expression of earlier experience in Algeria, and still further changes were made in taking over the direction of Moroccan affairs. The acquisition of man power has been a frank and important aim of French policies in north Africa. With the penetration of the Sahara by modern transport media the northern strip of Africa has also become the key to French possessions near the equator. It has been linked together by railways and roads for both military and economic reasons. The proposed trans-Saharan railway would make French northern and central Africa an emergency military and economic unit in case of assault by a strong sea power.

Probably the fiercest European colonial rivalry at the present time is that between France and Italy. In the colonial struggle of the late nineteenth century Italy obtained decidedly second rate possessions. Sicilians left their overpopulated island in numbers and formed the largest European group, numerically, in French Tunisia. Old treaty rights prevented their absorption by France, and the problem became acute with the rise of Fascist nationalism. France's routes to her African and oriental colonies cut squarely across the imperial lanes of Italy, so that the security of the one runs in terms of the insecurity of the other. Since the war both powers have emphasized submarines, airplanes and other light naval equipment. The presence of strong forces of this type in the Mediterranean, where their destructive power is tremendous, makes Great Britain's mastery of her own imperial lane through that sea impossible. In this peculiar situation any general agreement as to the size and detailed character of navies is practically hopeless, since the craft effective in a rather narrow sea are not those demanded for the protection of world empires such as the British, the Japanese or the American.

American colonization has been peculiar. As long as it moved westward across the continent it met almost no tasks of absorbing civilized societies and compromising with their institutions. The territory has always been underpopulated relative to its resources and to the current habits of exploitation and consumption in the Occident. Toward the end of slavery days there was a political urge toward imperial expansion, founded on internal social and economic differences. This disappeared with the Civil War. During the next quarter century the vacant continental area was practically all taken up, although the country's resources were still far from intensively exploited as compared with western Europe. Thus, acquisitions such as Alaska and Hawaii were due to political circumstances or the fear of possible trouble later on rather than to any vital need.

The export of capital to Cuba played a certain minor part in germinating the war with Spain, which threw Porto Rico and the Philippines into the path of American acquisition. Cuba was set up as a separate republic, however, and the Philippine occupation has always had elements of the uncertain and temporary in it. The digging of the Panama Canal and the further spread of American enterprise in the Caribbean have made the United States more sensitive about this region. Temporary interventions to prevent the entire collapse of public order or possible European interference have taken place, as in Santo Domingo, Haiti, Nicaragua and even Cuba. None of these has led to protectorates in the European sense. The United States has no vital need of these regions, whether for economic resources or man power. Even where the term protectorate has been used, as in Haiti, the occupation has been formally limited in time and shaped with the idea of evacuation. This fundamental distinction reflects itself in a cleavage between American and European policy so wide that to use the same terminology is to invite misunderstanding.

Many colonies have evolved into distinct entities, such as free nations, dominions and protectorates, which in any appraisal of the effects of modern colonization must be lumped together with less changed areas. On the negative side, the whole process has often robbed native culture and products of a distinctiveness which constituted an important claim to beauty or general interest. In plantation colonies the poorer native frequently loses his land and the richer loses his business identity in a mixed corporation. The standards of living are changed entirely owing to the presence of high salaried managers and technicians from outside, and in the shift imported forms of entertainment sometimes replace native ones immeasurably preferable as art.

The point commonly made about debt bondage, public and private, is in some cases supported by facts and in others not. Areas within great colonial systems often pay lower rates of interest, and very rarely higher ones, than similar independent areas. Furthermore, an examination of cases just before and after absorption into such systems often shows a tremendous drop in the financial burden of debt, due to the reduction of risk and inefficiency. This may be the case even where the principal sums owed are somewhat increased. Certainly western European bankers and financiers, operating under regulations imposed by their own governments, are easier to deal with than the professional money lenders who establish themselves in small and unstable countries. Almost any kind of debt bondage pointed out in colonies can be practically duplicated within independent countries or between them. On the other hand, there are cases like India where the form of political and economic control is such that the pressure of material interests upon the government is exerted largely by absentee creditors concerned mainly with the incomes they collect outside the country.

On the positive side, a stable colonial government often encourages new crops, industries and equipment which undoubtedly save labor and increase the revenue from exports. Sanitation is a boon in itself, even though in some cases its swift development leads to overpopulation, intensifying the emphasis upon plantation crops at the expense of subsistence produce raised by small proprietors. The importance of public order is often underestimated by those who take it for granted. In some cases it can be achieved only by a heavy investment in lines of communication which would not pay or be made independently of the economic exploitation they render possible.

There is some ground for the familiar assertion that the export of capital to colonies where it employs cheaper labor and reaps higher returns is an impediment to constructive social legislation at home. The weakness of this charge is that it applies, although perhaps in a lesser degree, to the export of capital elsewhere as well as into colonies. Immigration into the home country has a similar effect in that it renders the stabilization of employment and living conditions more difficult. The trouble seems to be general, inherent in our capitalistic form of enterprise in a world economy with various standards of living, and not a specifically colonial economic disease. From the colonial side this problem is even more specific in its manifestations. Especially in more backward areas the formation of a large class of wage earners upsets the older social organization. A salaried European bureaucracy replaces the native leaders or superimposes itself upon them. The balance of the old community, largely self-supporting and self-governing, is often destroyed, and the new laboring class needs new forms of protection which may be slow in appearing.

Especially since the World War the fact that with respect to colonial development we are in a period of transition has become conspicuous. Tariff rivalries have been intensified. The French colonial system is only an extreme example of the general tendency to consolidate and monopolize national privileges in outlying territories. Mandates created by the victorious allies from ex-enemy areas have set new precedents. Machinery is now provided whereby such territories may make their grievances known through the League of Nations. Protectorates and colonies are not formally included, but certain general enunciations of principles concerning labor, minorities, arms, opiates and the like furnish entering wedges for bringing the complaints even of national "possessions" into the purview of international opinion. To some extent this is made inevitable by the mere existence of a formally organized body like the League of Nations. Concessions which may affect independence are better controlled than formerly, their terms are more generally known, and arbitrary acts on the basis of non-fulfilment are, in addition to being difficult to prepare in secret, subject to effective protest.

Dominion status, or the association of theoretically equal partners in a "commonwealth of nations," may be the end product of the colonial process where the races are closely related or congenial and the environment admits of population exchange. Under other conditions the growth of native nationalism promises to be a perennial ferment, with independence as the only radical cure. The export of capital and the practical necessities of administration exert relentless pressure for the Europeanization of economic life. In spite of attempts merely to train natives within their own intellectual framework, more and more of them, with the growth of technology and of business organization on the basis of closely calculated costs and prices, are exposed to the elements and the "feel" of European culture. Inside and outside the administrative bureaucracy this Europeanized élite fits its aspirations to the actual system of rewards and resists exclusion from the highest careers.

With the decapitation of native society by taking over its traditional leaders, the struggle for the European types of rights and privileges develops progressively as these become the visible ones most obviously of practical value. Even the Tunisian *destour* movement looks romantically backward to a constitution copied from European models and never really in force. All the new national governments of the Near East have surrendered to basically western forms as well as ideas. The growing national movement in Indo-China is so disconcertingly western in form and method that the French officials cannot logically combat it without repudiating the basic principles of their own society. Even in India the practical aim is to get rid of British control. If this should be realized it is hardly conceivable that the new state would survive in the contemporary world without the technology and organization irresistibly propagated by the industrial revolution. The Philippines—so obvious is the case—need be no more than mentioned in this connection.

In brief, modern colonization has been mainly an expansion of European ideas and methods. Since the inception of the age of power machinery no alternative has appeared able to impose more than temporary checks to the movement. At the present advanced stage the main problem seems to be that of salvaging those intrinsically valuable elements in older systems of society which might be destroyed in a too sudden transition.

MELVIN M. KNIGHT

See: COLONIAL ECONOMIC POLICY; COLONIAL ADMINISTRATION; CONQUEST; MIGRATION; LAND SETTLEMENT; EMPIRE; COMMERCE; CHARTERED COMPANIES; COUNCIL OF THE INDIES; COLONIAL SYSTEM; MERCANTILISM; SLAVERY; PLANTATION; RAW MATERIALS; NATIVE POLICY; CONCESSIONS; FOREIGN INVESTMENT; INTERNATIONAL TRADE; IMPERIALISM; EUROPEANIZATION; PROTECTORATE; MANDATE; DOMINION STATUS; INDIAN QUESTION; INTERNATIONAL ORGANIZATION.

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COLONIZATION OF VOTERS. *See* ELECTIONS; PLEBISCITE.

COLONNA, AEGIDIUS. *See* AEGIDIUS COLONNA.

COLQUHOUN, PATRICK (1745–1820), British economist. Colquhoun was a native of Scotland and after 1766 was prominent in the municipal life of Glasgow, where he served as lord provost (1782–83), founded the chamber of commerce and promoted many projects aimed at the development of industry. He settled in London in 1789 and was appointed to office in the city magistracy. In 1795 he published his *Treatise on the Police of the Metropolis* (7th ed. London 1806), which attracted wide attention through its disclosure of the complete incapacity of the antiquated police system to deal with crime. In *A New and Appropriate System of Education for the Labouring People* (London 1806) and a *Treatise on Indigence* (London 1806) he proposed the establishment of various institutions for the assistance of the lower classes: boards of education, savings banks and a national poor rate which would be uniformly assessed.

He is probably best known for his estimate of the national income and of its distribution among the various classes of the nation, which is contained in his *Treatise on the Population, Wealth, Power and Resources of the British Empire* (London 1814). While he himself admitted that his statistics were only approximately correct, they were based on conscientious consultation of authoritative records: income tax returns, foreign trade figures and other official documents. Colquhoun showed that in 1812 the United Kingdom, with a total population of about seventeen million, produced new wealth amounting to £430,520,000 and that of this the working people, numbering about eight million, received in wages £81,500,000. Assuming, as Colquhoun did, that all wealth was produced by labor he thus showed that it received but one fifth of its produce. From about 1820 on critics of the capitalistic regime and later the socialists found in Colquhoun's treatise the facts and figures they required to demonstrate that the system of private property is based on the plunder of the laboring poor. His statistics were quoted in Gray's *The Happiness of States* (London 1815), in the Birmingham newspaper the *Midland Representative* (June 25, 1831), in Bray's *Labour's Wrong* (Leeds 1839) and in Robert Owen's autobiography.

MAX BEER

Consult: "Ἰατρός" (Dr. Yeats), "Memoir of Patrick Colquhoun" in *European Magazine*, vol. lxxiii (1818) 187–92, 305–10, 409–13, 497–503; Beer, Max, *History of British Socialism*, 2 vols. (London 1919–21) vol. i, especially p. 143–47; Giffen, Robert, *Growth of Capital* (London 1889) p. 101–05.

COLWELL, STEPHEN (1800–71), American economist. He was a native of West Virginia but during most of his career was identified with the history of Philadelphia, where he attained a commanding position in civic endeavor. Colwell was a protectionist; in 1856 he introduced to American readers Matile's translation of List's *Das nationale System der politischen Oekonomie* (Stuttgart 1841), contributing an extended preliminary essay in which he developed the case for a rounded domestic economy. He served with David A. Wells on the commission appointed in 1865 to revise the revenue system of the United States. As commissioner he prepared studies on the tariff, excise and tax duplication, notably the "Relations of Foreign Trade to Domestic Industry and Internal Revenue" (in United States, Revenue Commission, *Reports* . . . Washington 1866, p. 275–94). His most valuable contribution to economics is embodied in the treatise on the *Ways and Means of Payment, a Full Analysis of the Credit System* (Philadelphia 1859, 2nd ed. 1860), which evidences careful research into the history of European banking. Colwell rejected the quantity theory of money as an explanation of price movements; he criticized the subtreasury system for its emphasis on metal currency and took advanced ground in behalf of a credit currency adjustable to the volume of business. He also called attention to the inadequacy of the commercial country bank for the purpose of meeting the long term credit requirements of agriculture.

A. D. H. KAPLAN

Consult: Carey, H. C., in American Philosophical Society of Philadelphia, *Proceedings*, vol. xii (1871–72) 195–209, containing bibliography.

COMBINATION ACTS. *See* LABOR MOVEMENT; FREEDOM OF ASSOCIATION.

COMBINATIONS, INDUSTRIAL. An industrial combination, or a combination of several hitherto competing business enterprises, may vary in character from a complete merger at the one extreme to a loose cartel agreement at the other. Although this range comprises a great number of intermediate forms, combinations may be roughly divided into three classes: mergers, "concerns" or combines, and cartels. In the merger, combination is carried to the farthest limit; the manufacturing plants, the financial structures and the commercial organizations of the combining units are merged, resulting in a single, new, fully developed business enterprise. In the concern, combination extends only to the financial and commercial activities; it does not directly affect the other functions of the combining units, and their manufacturing operations, for example, remain free from direct control by the concern. The cartel involves a combination of business enterprises merely as commercial organizations. The combining units submit to a number of mutual restrictions relating to their sales policies but retain complete independence in their financial and manufacturing operations.

Mergers may represent vertical or horizontal combinations; that is, combinations of plants at several successive stages of the production process or combinations of plants on the same production stage. Common examples of vertical combinations are the merger of a coal mine, a coking plant and a plant for the utilization of by-products; or the merger of a lignite mine and a briquette factory; or again the merger of a spinning mill, weaving mill, dyeing plant and finishing mill. The most advanced development of combinations of this type is found in metallurgy, where coal mines, iron ore mines, iron foundries and steel mills are often operated under a single management. Vertical combinations do not necessarily comprise all stages of production; frequently enough the lowest stage reached is that of a semifinished product and the highest stage included is no closer to the consumer than conditions of mass production allow. While a horizontal combination comprises plants on the same stage of the production process, these plants are not always technologically comparable. Thus a lignite-briquetting factory may be combined with an electric plant fueled with lignite; a steel mill using the Thomas process may be merged with a steel mill using the Siemens-Martin process or with an electric plant fueled with by-product gas from the blast furnace. In addition to vertical and horizontal combinations there are also a few combinations of combinations, enterprises which operate a number of plants for each of the several stages of the production process. Thus we find under a single management several coal mines and several iron ore mines feeding a number of blast furnaces and steel mills which in their turn furnish raw material to a number of metal working plants.

Whether the combination is vertical or horizontal or of the mixed type, it is always true that in a merger the scope and character of manufacture in the several plants is determined down to intimate technical minutiae by the single operating plan worked out for the enterprise as a whole. In vertical combinations the manufacture of raw materials is conditioned both as to quality and quantity by the needs of the plants operating on the next stage of production, and these plants are in their turn forced to rely mainly upon results achieved at the raw material stage. In the horizontal combinations the different plants supplement one another quantitatively and qualitatively.

Generally, but not always, the unification characteristic of a merger finds its legal expression in the fact that the combining units appear in their contacts with the outside world as departments of a single firm. The legal aspects of the merging of hitherto independent enterprises into a newly organized business entity are designated by the term "fusion."

Based as it is on the principle of unitary organization and management the merger is from the socio-economic point of view merely a step in the development of large scale enterprise. It is not surprising, therefore, that mergers appear at a relatively early stage of development. More recently the formation of mergers was stimulated by the increasing stress laid upon the utilization of waste and by-products and upon the development of subordinate lines of production within the parent enterprise. Although mergers are not limited to England they must be recognized as the peculiarly English type of combination. Even where they include plants organized on a mass production basis, combinations in the older English industries, such as textiles and iron and steel, as distinct from combinations in the electric and chemical industries, follow in a majority of cases the merger type rather than the concern type.

Concerns may be organized on the principle of horizontal or of vertical combination, but unlike mergers they do not emphasize primarily the technological unification of the individual plants. Quite frequently, therefore, concerns represent a mixed horizontal-vertical type of combination. Moreover, concerns often combine under one financial management manufacturing processes which do not dovetail technologically; the fact that the products are used in the satisfaction of identical consumption needs offers in such cases the basis for the combination. A technological basis for the combination is sometimes found in the similarity of industrial research problems. The German Interessengemeinschaft Farbenindustrie, for example, combines the manufacture of coal tar into aniline dyes and drugs with other production processes not involving coal tar, such as the manufacture of explosives, nitrogen, rayon and camera films. The unification, in the concern, of the financial and commercial phases of operation of the individual plants in the hands of a superior management may lead indirectly to an interference with the autonomy of the component units on the technological side. Thus the general production program enforced by the central management may call for an apportionment of the aggregate output among the different plants in accordance with certain criteria, such as location or the adaptability of the equipment, or for a regulation of the current output of the various units in accordance with changing market conditions. In their expansion and reconstruction plans the production managers of the separate plants are always dependent upon the grant of capital by the superior management of the concern. It is significant that in the United States Steel Corporation, one of the largest concerns in the world, the most important decisions are vested in the financial committee.

As a legal entity the concern appears in a great many different forms. The device of a single firm with the individual plants as subordinate departments is not generally used. The only notable case of this type is the gigantic German chemical concern, the I. G. Farbenindustrie. The holding company arrangement is more frequently used, particularly in the United States. A holding company does not legally own any plants, but it holds the shares of capital stock of the formally independent manufacturing enterprises, which continue to operate under their old firm names. Sometimes, as in the cases of the German steel combine and of the Siemens-Schuckert concern, the situation is reversed. Shares of capital stock of the concern which represents the individual plants in dealings with the outside world are owned by the managements of these plants so that they are transformed from manufacturing organizations into holding companies. Not infrequently the concern has no separate legal embodiment, the commercial unification of the individual plants being achieved through a mutual exchange of shares of capital stock. The Standard Oil concern at the present time is a good example of this form. A concern is also sometimes formed by a single person, as in the case of the old Hugo Stinnes concern in Germany; or by a small group of people, like the Rockefeller group in the older Standard Oil concern, who own the requisite number of shares of the individual plants and are bound by a gentleman's agreement to pursue a common policy in the general meetings of stockholders or in the sessions of the boards of directors and of similar controlling bodies. There exist also a number of intermediate legal forms. For example, a manufacturing company which has secured financial control of a number of other manufacturing plants, and has thereby become the headquarters of a concern, may in its turn come under the control of a single capitalist who purchased a sufficiently large number of shares of the parent organization. This is the structure of the Hugo Stinnes metallurgical concern, which still survives as a component part of the German steel combine.

The development of the concern is facilitated by the use of the corporate form of organization, particularly in those countries where it is legal to issue no-par value stock based on good will only and to limit the voting privileges to stock of this class. Experience in all countries has shown that in order to control the general meeting of stockholders and through it the management of the corporation it is not necessary to own even a majority of the stock and certainly not all the shares outstanding. Therefore a comparatively small amount of capital will generally suffice to secure control of the individual plants and thus to organize a concern. Even the control of the parent company of a concern does not require a large capital investment, when outside funds can be obtained in exchange for non-voting preferred stock or bonds. Through the organization of a concern the promoters may even increase the fluid funds at their disposal, if they succeed in selling to the public at however low a price that portion of the voting stock which is not necessary for the retention of control. When the concern is organized in such a way that the individual plants are controlled not directly by the parent holding company, but by a number of intermediate companies, the risk of capital investment for the promoters is minimized and attractive opportunities are created for the earning of large profits on the flotation of the various classes of stocks.

The multiplicity of concerns in the United States is due in no small part to the fact that legal devices make it possible to secure and to retain a controlling interest in a large number of enterprises with a comparatively small capital outlay. The concern, while it is not the typical form of industrial organization in America, is the typically American form of combination. Combinations in that country do not long remain at the merger stage with its inherent limitations of scope, and cartels are known in only a few branches of industry. The concern seems best adapted to the law of the land and the psychology of the business man; for the underlying scheme of financial controls does not readily appear on the surface, and a holding company comes in many cases close to the ideal of the biggest company in its particular field.

In other countries concerns are far less numerous. The poor receptivity of the English investment market to domestic industrials acts as a brake upon the organization in England of corporations in general and of concerns in particular. Still the English prefer the holding company to the cartel, because the latter conflicts with the common law and judicial precedent. In Germany the law and the organization of financial markets are favorable to an unimpeded establishment of corporations, but the issue of stock without par value is illegal. In respect to number of concerns Germany therefore occupies an intermediate position between England and the United States.

In the cartel entirely independent enterprises are bound by mutual contractual agreements merely to follow certain procedures in clearly defined fields and with reference to clearly specified products. The detailed specification of even these procedures is left to later negotiations in which the members participate as equals and which can come to a successful conclusion only by unanimous agreement rather than by a majority vote. Since the members preserve their independence, cartel agreements are concluded only for a specified term and in the majority of cases for a comparatively short time. Each member, therefore, attempts by increasing the capacity of his plants to strengthen his position in the future negotiations for the renewal of the agreement. A situation is thus created which is entirely inconceivable in a concern, where the expansion of the individual plants is subject to the control of the central management. While the manager of an individual plant in a concern is merely an employee subject to discharge for disobeying orders, the member of a cartel is a full fledged partner who even in the most rigidly organized cartels is liable only to penal damages and who may therefore freely violate the agreement if he finds it to his advantage to do so. Conflicts of interests which can never be definitively settled by a compromise may therefore persist for a long time in a cartel while in a concern unified management makes such conflicts impossible even though it leaves room for strong personal antagonisms.

Cartels which create a special body to supervise the execution of the agreement by the members must be distinguished from the looser type of cartel organization, in which such supervision is left to the watchfulness of the members themselves. In cartels of the first type the controlling organ may be independently incorporated and assume the functions of a sales agency, or syndicate, for the products subject to the cartel restrictions. Since they possess separate organizations which embody the "cartel idea" and which in some cases enter into direct relations with the market, such cartels may go to far greater lengths in imposing restrictions upon the members and are not easily broken up. Such cartels make possible an indirect interference with the production policies of the individual members, as a member's output may be limited to a definitely set maximum or to a definite proportion of the aggregate output of the membership. The regulation of production, however, applies only to the products subject to the agreement, does not in the majority of cases limit production for the member's own use and under no circumstances extends to such matters as plant organization and the type of manufacturing processes employed. It is possible, therefore, even in the most closely organized cartels for a member to evade regulation by expanding the output for his own use and by reorganizing the production machinery in such a way as to emphasize products not subject to the cartel agreement.

This situation is met by general cartels (*Mantelkartell*), which attempt to regulate the output of entire groups of products. Such cartels set for their members quotas of raw material to be used and leave to a number of special cartels or to the discretion of the individual members the distribution of the raw material among the various possible uses; that is, the determination of the quantity of different semifinished and finished products to be manufactured. This does away with the opportunity for members to juggle with the output for their own use. When the special cartels function as syndicates dealing in all important semifinished and finished products, the degree of organization achieved by the industry is such that so far as the market is concerned competition among the producers is entirely eliminated.

There are few general cartels of this type even in Germany. For example, there exists no cartel comprising all the German coal fields, and the question of production for a member's own use has never been settled even in the Rhenish-Westphalian Coal Syndicate, a cartel which has been held up as a model to the entire world. Even simple syndicates dealing with one product or a closely knit group of products are comparatively rare in Germany. They are found only in a few branches of industry, which are organized on the basis of highly developed mass production and in which the fundamental conditions favored the creation of cartels. Neither in the coal and lignite industry nor in the heavy chemical and iron and steel industries are there syndicates for all the essential products and by-products. Thus the Rhenish-Westphalian syndicate is limited to the Ruhr coal basin and does not regulate the disposal of by-products of coking. The syndicates in other industries deal only with single products and not with the entire range of products manufactured by their members. Nor have any of the quality production lines been touched by the more rigid forms of cartellization. It is therefore inaccurate to speak of syndicates as characteristic of German industry.

While quota cartels which maintain a separate organization but not a sales agency are found in many different industries, by far the largest number of marketing combinations in Germany are loose associations, in which members agree merely to maintain certain minimum prices or to limit their sales to certain territories or to observe certain terms of sale, e.g. terms of payment, discounts. Such cartels are apt to fail at the crucial moment, when market conditions get out of hand. Even these loose cartels by no means dominate industrial organization in the classic land of cartels. The number of German cartels—2000 to 3000 according to various estimates—appears comparatively small when account is taken of the immense variety of products manufactured by modern German industry.

It is true, however, that the characteristically German form of combination is the cartel rather than the concern or the trust. The cartel movement began early in German mass production industries and is to this day typical of these branches of manufacture. In some of them the organization of concerns, which began even earlier, was accelerated in the beginning of the twentieth century so that on the eve of the World War leading men of affairs held that industry had left the cartel stage behind. Later experience showed, however, that this was a hasty generalization. While in some industries concerns attained a very strong position and intensified group conflicts within the syndicates, the concern cannot be said to have superseded the cartel in Germany.

In the United States cartels and cartel-like associations are often found side by side with concerns. Owing to antimonopoly legislation and to the peculiarities of business psychology these cartels are in the majority of cases very loose associations indeed. There are no syndicates in the domestic market, nor have syndicates taken root among exporters since the passage of permissive legislation. The more numerous open price associations exercise no compulsion over their members and can bring about a uniform price policy only by indirect means. In bringing the producers together they may facilitate the adoption of informal agreements; essentially, however, they resemble not so much regular cartels as associations supplying information on current technological and market developments.

In England the law attempts to enforce competition and the producer is more concerned with the technology of manufacture than with its commercial aspects. Conditions favor, therefore, neither the concern nor the cartel. In the coal industry, for example, the peculiarities of English mining law and the shallow depths at which coal can be mined work against the formation of cartels. The fact that in many places coal can be mined by a small gang of workers without an appreciable capital outlay makes it difficult even for large operations to maintain a steady production and sales policy. Still, loose price agreements are sometimes employed in many English industries to dull the edge of the competitive struggle.

In France the prevalent type of combination is a loose form of price agreement, the so-called *comptoirs*. There is in French industry a marked emphasis on quality production, which attempts to take account of individual differences in consumers' tastes and which does not allow for regulation of production from the outside. Nor is the outlook of the average French producer conducive to closer cooperation. He is generally satisfied with slow progress within the traditional framework and does not easily rise to an understanding of the common problems of his particular branch of industry. Mass production industries in which concerns, like Schneider-Creusot, existed even before the war were until recently of limited importance. The coal mines of the north and the iron foundries of French Lorraine were operated by too large a number of producers to permit of effective action even by the *comptoirs*. After the war, with the reconstruction in the north and the acquisition from Germany of smelting and steel works in Lorraine, of Alsatian potash mines and of the patents of German chemical industry, an impetus was given to the formation of large concerns, which turned eventually, owing in part to government pressure, into closely organized cartels.

In the international field cartels based on division of territory become effective even when they comprise the producers of only several countries, particularly if they are aided by the tariffs of these countries. Price agreements are distinctly less common, and the closer forms of combination occur merely as isolated exceptions. Similarly, it is very unusual for an international cartel to include even the more important producers in all countries. It is significant that the international crude steel cartel (Internationale Rohstahl Gemeinschaft) did not succeed in inducing such important steel producing countries as England and the United States to join, and that despite strong efforts made to bring about closer cooperation it remains merely a division-of-territory cartel. The disorganization of the world economy, which is reflected in enormous unemployment in all industrial countries, has not been corrected by international cartels or concerns, They have not succeeded in reestablishing even the territorial industrial specialization, so unplanned and yet so systematic, which was an important factor in the smooth development of international economic relations before the war.

Combinations do not dominate the organization of industry nor that of agriculture, commerce and transport. Neither is it possible at present to discern a general tendency in this direction. Is this due merely to the fact that modern industry is still in its teens or is the true situation such that the forces stimulating and retarding the development of combinations are in the long run evenly balanced? Is the relationship of the three factors which determine the form of business organization—technology, position in the market and the outlook of the entrepreneur—such that a tendency to combination must eventually reassert itself?

In the early period of mechanization the purchase of raw materials and the sale of manufactured goods still followed the methods of the handicraft period, and international trade had not yet adapted itself to the mass output of machine industry. Under these conditions the introduction of the mechanical loom, dependent for its economic operation upon a steady supply of yarn, forced cotton weaving mills to combine with spinning mills. This was necessary in order to avoid the constant adaptation of looms to new qualities of yarn, with the ensuing losses in time, wasted material and lowered quality of product. The technical efficiency of the new machines could be maximized only if the unevenness of the yarn were eliminated; that is, if the early stages of the production process were adapted to the later stages. Since commerce was still dominated by the spirit of the handicraft era and the merchant figured in industry merely as the organizer of enterprises on the putting out system, no change was likely to occur in the relations between the industrial enterprises and the market. The producers using machine methods were forced to devote themselves primarily to technological problems, even in those cases where vertical combinations had already been formed.

For this reason the older mergers did not survive the early stages of modern industrial development. With the progressive adaptation of international commerce to its new task and the parallel improvement of technical methods in all stages of manufacture this type of combination lost its raison d'être. Henceforth the factory owners and managers could concentrate their capital and attention upon technical improvements or upon the enlargement of individual plants instead of attempting to bring under single control several stages of manufacture.

The exigencies of technology are of similar significance at present in the quality production industries, which work for a clearly defined market demanding goods of uniformly high quality irrespective of cost. In many of these industries the materials used must be so uniform in quality that however great care is taken in purchasing the result is apt to prove unsatisfactory. In such cases the manufacturer of the final product must undertake the organization of the preceding stages of production, sometimes going as far back as the cultivation or extraction of the primary raw material. When the demand for the high quality semifinished product depends upon the demand for the final product, technical deficiencies in production at the last stages may have a detrimental effect upon the manufacturers of semifinished products; in this case the situation is reversed and vertical integration follows the line from semifinished to finished goods. In either case the horizontal combination may be added to the vertical: several semifinished products may be equally important in the manufacture of the final products or one semifinished product may yield several varieties of finished goods.

Another factor leading to combinations in quality production industries is the desire to preserve the secrecy of manufacturing processes. The less effective the patent legislation in protecting the interests of the inventor, particularly in foreign countries, the stronger is the influence of this factor. In such cases combination often abandons the route from raw material to finished product, and the manufacture of complex specialized machines is combined with the lines of production using these machines. In such combinations the experience of the user is utilized in the machine construction plant and the improvements resulting therefrom are not shared with competitors. The secret process may also consist of a particular way of handling the material in several successive stages. An important illustration of this type of combination is found in the aniline dye industry, which manufactures also drugs and perfumes; its technical innovations are patented only in part.

Where the achievement of high quality is connected with considerable outlay for experimentation and the maintenance of expensive laboratories, a strong stimulus is given to combination. The benefit derived from combination in such cases is not merely the reduction in unit costs owing to the increase in commercial output; the laboratories are more useful when they can base their work upon the experience of several plants, and the results yielded by chemical and physical research can often be utilized in manufacturing processes of several different types. Although a monopoly can always command sufficiently high prices to pay the cost of research, it is to the advantage even of the monopolist to keep costs and prices low and thus create a wider market for his product.

Combination in quality product industries also creates opportunities for the reduction of costs through the resulting changes in the sales department. Unlike semifinished products and raw materials the demand for high quality consumers' goods must be cultivated and in part even created; they compete not only with similar products of other manufacturers but with the entire range of convenience and luxury goods. Products of this type must therefore be distributed by an apparatus extensive in scope and carefully planned in detail, such as is found in specialized and localized trade. In some cases, however, the proper commercial handling of the product requires so specialized a knowledge of its technical properties that the producer is led to build up an apparatus of his own for its distribution. This is subsequently reflected in the field of production because selling costs per unit are reduced as a greater variety of articles is handled. All the important marketing costs, especially the tremendous expenditure for elaborate high class advertising, exercise under these conditions a pressure toward further combination in the field of production.

Combination in quality production is, however, more narrowly limited by the personal factor than is combination in mass production industries. Even the most careful organization of an enterprise does not sufficiently assure the precise compliance of every lot of goods and of each single article with the specifications. Where such compliance is a really important consideration, the work of each shop must be under the continuous personal supervision of the central management, so that the scope of possible combinations is rather limited. For instance, even in chemical manufactures not organized on a mass production basis, where in view of the exact nature of the processes employed the human element seems to be reduced to a minimum, matters like the adjustment and maintenance of required temperatures and the preparation of chemical solutions require a high degree of care on the part of everyone, which is attainable only if personal contacts are established between the plant management and the employees and also between the managements of the individual plants and the central management of the combination. Continuous personal contacts between the management and the employees are also essential in the fashion industries and in machine shops in which instruments are made to individual order.

In industries working for a rapidly shifting demand combination is retarded also by the fact that the management must keep in constant touch with the market and make proper adjustments in the plant in anticipation of changes. There is thus no sufficiently stable base for expansion. Nor is vertical combination particularly expedient. The financial risks borne by such enterprises are so high that they must pass on a part of them to the manufacturers in the lower stages of production by keeping a free hand in the purchase of materials.

The peculiarities of the market for the finished product are largely responsible for the persistence of single proprietorships and partnerships in quality production industries. Corporations are not numerous; and concerns, which are in fact pools for the distribution of risks, are of slight importance, many of them dissolving after a few years of unsuccessful experimentation. Similarly there are but few closely organized cartels. They are not needed because the competitive struggle proceeds in the main on the level of quality competition rather than of price competition. Moreover, cartels are not particularly useful to the producer because they limit competition in one product only and do not affect the entire range of other goods competing for the purchasing power of the consumer. There exist, however, loose associations limiting themselves to the regulation of marketing conditions; yet even these regulations can be easily evaded during a crisis because there is so great a variety of grades and qualities. It is significant in this connection that recently the German Federal Economic Council (Reichswirtschaftsrat) raised the question whether cartel agreements which are not observed in fact should be made legally unenforceable.

Thus conditions in quality production industries do not favor the development of extensive and enduring combinations. In order to appreciate the full significance of this conclusion it must be borne in mind that the trend of the times points toward an increasing emphasis on quality goods, that differentiation and specialization of demand are coming to be characteristic not only of European countries but also of America and that quality production industries are therefore bound to gain in importance in the economic structure of the civilized peoples.

The situation is quite different in mass production industries. Deep seam mining, the heavy iron and steel industry, large scale machine shops, the electric equipment industry, the manufactures of aniline dyes, explosives and artificial silk, the cotton and jute industries, the newsprint and wrapping paper industry and similar mass production manufactures are peculiarly appropriate for the formation of combinations and the development of the combination movement.

Combination in these industries offers particularly wide opportunities for changes in the technical organization of production. As the quality of product confers no immediate competitive advantage, reduction of cost becomes the watchword in plant organization. The productive capacity of the technical apparatus, which represents large fixed investments in machinery, must therefore be made as great as market demand will allow. If market conditions are unfavorable to an increase of output, some advantage at least can be derived by utilizing the power plant to the utmost to extend manufacturing operations to lower or higher stages of the production process in some cases and to production of other articles based on the same raw material in others. The utilization of waste has recently become especially significant; it leads often to an incorporation of new manufacturing processes in the framework of the old plant, particularly where the new operations are linked directly to the old. The larger the mass production enterprise, the more frequent is the establishment of laboratories and research organizations to check and improve the performance of the individual plants. The high cost of such scientific aids leads to a grouping under one management of many scientifically related manufacturing processes.

In so far as the interest of the enterprise in the market is limited to an attempt to keep costs at a minimum, mass production industries do not differ essentially from those enterprises engaged in quality production which operate on a large scale. Where reduction in costs is the only motive, combinations, even in mass production industries, remain fairly limited in extent, as in England. On the other hand, where a combination is organized to modify the relationship with the market it becomes wide in scope and enormous in size. When the combination aims at independence of the market it may extend to include the entire production cycle from raw material to finished product. Where control of the market is the goal, the combination may grow to include all the plants in a certain branch of industry. In either case the form of combination is more likely to be the concern or the cartel than the simple merger.

The reason for such extensive combinations is found in the profound and otherwise irreconcilable contradiction between the rationale of production as a technological process and the conditions under which the output must be sold. This contradiction becomes the more pronounced the greater the reliance upon fixed capital investment induced by increasing technological rationalization. Fixed capital in large enterprises calls for an unchanging product to be sold at a stable price. This is due not only to the large proportion of the fixed charges but also to the exigencies of large scale organization, which cannot be easily adapted to changing conditions and which thus "fixes" even the variable portion of the costs of production. The markets for mass products, however, are not inherently stable; they are governed by competition, often international in scope, and exhibit continual fluctuations in the quantities of goods demanded and the prices at which they are wanted. Since no change is possible in the technique of production, the situation can be corrected only by an organization designed to neutralize or even to eliminate these fluctuations.

The presence of large quantities of fixed capital stimulates combination in another way also. In contrast to industries with small overhead costs, in mass production industries the complete elimination of economically weak competitors is not easily attainable. Even when they are thrown into bankruptcy their plants continue to operate, the only result being a reorganization in the financial structure and an ensuing change in the basis of cost calculation. Competition in the market thus fails to adjust supply to demand and does not offer the stronger producers the opportunity to recoup the losses incurred in the competitive struggle. Experience has taught the mass production industries to avoid price wars and to look for other ways of adjusting the market to the needs of production.

Independence of the market is sought mainly through the organization of vertical combinations. The production of raw material is combined with its refinement in the largest possible number of production stages. The combination does not then have to rely upon the market for purchases, and its dependence upon the market is limited to the disposal of the final product. In none of its plants does the market price appear as a factor in the determination of costs, and hence production costs can be kept stable. Nor need the costs at each successive stage of production be tested in the market, since the profit or loss is determined by the margin between total cost and the sales price of the final product. Such a combination also derives a certain advantage from the fact that the market price of a product is likely to be the more stable the further it is removed from the raw material or semifinished stage.

A horizontal combination may also afford some independence of the market. When it is introduced in the higher stages of production of a vertical combine, the enterprise profits by the fact that even in the case of goods based on the same raw material the price fluctuations are likely to be distributed more evenly as to range and time of occurrence where a number of different articles are involved. A purely horizontal combination offers similar advantages: individual price fluctuations are likely to offset one another if a wide range of commodities is dealt in. Moreover, a horizontal combination can adjust its production policy to increase the output of money making articles at the expense of less profitable lines.

The true aim of a horizontal combination is the control of the market rather than independence of the market. It attempts to unite under a single management competing plants manufacturing the same commodity as well as all the potential productive forces in that field. Even when control is not fully achieved and competition continues to rule the market, a horizontal combination offers the advantage of better adaptation to existing market conditions: production is concentrated in lower cast plants and the losses accruing from the shutting down of other plants are more than offset by the reduction in unit costs incident to the operation of the better equipped or more advantageously situated plants at full capacity.

The cartel is the classical device used by producers to control the market, but such control is scarcely ever fully achieved even by this means. The most closely organized syndicate must perforce leave a marginal field where competition prevails; this marginal competition delimits the area dominated by the syndicate and affects its policy. In the majority of cases the cartels cannot go beyond a rather slight mitigation of the competitive struggle. And yet a price war and the grievous losses which it entails in industries with large fixed capital investments can be avoided only by combination. Karl Marx was right beyond doubt in insisting that a tendency toward monopoly is inherent in modern technology. From this point of view all loosely organized cartels are the forerunners of more rigid forms of combination. Although the area controlled and extent of control exercised must in many cases remain limited, even cartels allow hope for a certain degree of market stabilization.

Closely organized cartels stimulate further combination by their members. By attaching to its enterprise plants operating on the higher stages of the production process the strong member hopes to achieve a certain freedom from the regulations limiting it in the cartellized stage. Such combinations reach progressively higher stages of production as the cartels move further along the series of production stages. It is illuminating, for instance, that a large part of coal mined in the world today is sold by the coal producers in the form of gas and electric energy. A similar stimulus is given by the cartel to horizontal combinations. Stronger members acquire control of weaker enterprises in order to add the latter's quota to the output of their own plants and thus reduce unit costs.

Not the least important factor in the combination movement is the personality of the industrialist. Since considerations of a quantitative nature are of primary importance in individual plants and even more so in combinations of plants, it is not surprising that even the leading personalities think in numerical terms, are seized with a *rage du nombre*. In an age when the technology of mass production is organized on a scientific basis and the results of scientific research are available to each enterprise, the superiority of the stronger competitor cannot be tangibly expressed otherwise than in terms of larger output and larger capital investment. Interest in the technology of production, which must perforce concentrate on individual processes, cannot preoccupy the industrial leader whose prime vocation is the business coordination of plants employing different techniques. Even in enterprises operating on a single stage of the mass production process the tone is set not by technical expertness but by commercial shrewdness, whatever formal position the possessor of this faculty may hold.

Similarly, it is the employment of numerical devices that makes it possible for a human being to direct a large organization. A numerical survey of conditions in each department of production and of the existing relations with customers is invaluable for a quick sizing up of the situation by the central management. The performance of numerous departments can be compared in the quiet of the director's office. It is no accident that the most advanced forms of accounting and production statistics are developed in the United States, where the emphasis on figures is particularly great owing in part to the standardization of consumers' tastes. Office technique becomes increasingly adapted to the needs of mass production and combination.

Cartels also stimulate further combinations by their members through their influence on the personal side of business management. Where a cartel is closely organized, the owners of the individual enterprises are more or less relieved of the necessity to watch the market for their product and to make proper adjustments in their production policies. What little work of this type is left can be safely delegated to unimportant subordinates. The leading men in the enterprise are then free to concentrate their attention upon the improvement of the structure of the enterprise and upon its relation to the higher, lower or parallel stages of production.

If it is true that in the mass production industries a number of important factors encourage combination in all its forms, the reason that such combinations have rarely achieved the final goal, the monopolistic control of the market, must be found in the existence of equally serious obstacles to success. In fact, as combinations extend beyond a certain point they meet with a series of resistances, in material and personal factors, which cannot be overcome.

Combination reaches the lowest limit of practicability where the emphasis shifts from the quantity to the quality of the output and the manufactured article is being adapted to the specialized needs of individual consumers. No matter how great the advantages which may be derived from the fuller utilization of the power plant or the greater adaptability to conditions in the market, they cannot offset the disadvantages which would result in such industries from the lack of a close control over technical performance in each operation and of a personal contact between the manager and the employee. While combinations may be formed in which the mass production enterprises manufacturing the materials for the quality industries will attempt to annex plants in the quality lines, such combinations are not very likely to occur. In order to carry a sizable part of their output through the further stages of production, enterprises manufacturing the semifinished product would have to resort to mass production methods in the higher stages where quality is important, and would thus endanger the salability of the final product. Nor would a vertical combination directed toward the lower production stages be undertaken by quality product enterprises, if competition prevails in these lower stages. A combination of this type would run the risk of producing its materials at a cost in excess of the price charged in the open market, particularly when competition is so severe as to bring about the financial reorganization of many weaker enterprises in the lower stages with the ensuing reduction of costs and selling prices.

The personal factors which retard the growth of combinations are the limits to organizing ability inherent in human nature and the desire for independence, which is particularly strong in enterprises owned for generations by one family. Concerns allow more independence to the managers of the individual plants and permit their central managements to concentrate more upon the really vital questions than do mergers; for this reason they are able to acquire and maintain control of a much larger number of plants than straight consolidations. For the same reason cartels enjoy similar advantages over concerns.

It is not to be inferred, however, that a concern can expand indefinitely. The ability of the concern management to supervise the entire enterprise is still somewhat limited. A precise knowledge of the technological potentialities and the commercial contacts of each member plant is essential, and the lack of it may prove fatal in deciding important questions. Nor do the concerns leave enough freedom to the more independent spirits among the managers of the individual plants. If no room is found for them in the councils of the central management they are apt to leave the concern and organize competing enterprises of their own. The concern is then in danger of having the ranks of its subordinate managers filled with second rate bureaucrats. On the other hand, if independent spirits remain in subordinate positions in the concern, a serious difficulty is encountered in establishing cooperative relations between them and their superiors, who are themselves likely to be strong willed and extremely self-confident

While the cartels are not similarly handicapped they encounter obstacles in other directions. In the first place it is difficult to describe products, particularly finished goods, with such precision as to make them the subjects of legally binding cartel agreements. For example, there does not yet exist an internationally acceptable definition of steel. Also the conditions in the plants of the various cartel members must be similar lest stronger members be tempted to break away and launch into competition with weaker. This is the chief obstacle to interregional and international cartels of raw material producers. The business organizations of the cartel members must also be similar in order to avoid group conflicts within the cartel. The demands made upon the cartel by the members enjoying certain advantages in equipment or location, and by members who control the production of materials used in the manufacture of the cartellized article, are likely to be quite different from those made by members not enjoying similar advantages. While the solution of this problem may be found in the purchase by the stronger members of the plants and quotas of their weaker colleagues, even a cartel composed entirely of strong members cannot eliminate the possibility of the appearance of outside competition due to the development of hitherto unused productive potentialities. This danger is present, for instance, even in the field of mining because there still exist undiscovered and untapped mineral deposits. It is much greater in the manufacture of semifinished and finished products, where technical innovations may bring forward substitute goods manufactured by different processes and based on a different raw material.

Thus the formation of combinations and the extent of their development are conditioned by the interplay of stimulating and retarding forces. In the post-war period combination in all its forms seems to have progressed far beyond the point reached before the war. It is certain, however, that this is merely a temporary phenomenon caused by a shortage of capital, the accumulation of which was interrupted for nearly a decade by the war and the disturbances consequent to it. The fact that at present, after years of persistent effort, there is still but a slight degree of international regulation in the world market suggests that at least for the near future competition will remain the supreme regulating principle in the world economy.

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See: ECONOMIC ORGANIZATION; CAPITALISM; INDUSTRIALISM; FACTORY SYSTEM; LARGE-SCALE PRODUCTION; MARKET; MARKETING; COST; PRICE; COMPETITION; CUT-THROAT COMPETITION; UNFAIR COMPETITION; MONOPOLY; CORPORATION; CORPORATION FINANCE; HOLDING COMPANY; POOLS; TRUSTS; CARTEL; TRADE ASSOCIATIONS; RESALE PRICE MAINTENANCE; LAISSEZ FAIRE; GOVERNMENT REGULATION OF INDUSTRY; PATENTS; PROTECTION; RATIONALIZATION; NATIONAL ECONOMIC PLANNING.

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COMENIUS, JOHN AMOS (Komensky) (1592–1670), Bohemian educational reformer and theologian. Like his father Comenius was a member of the religious sect known as the Moravian Brethren. His earliest efforts in the realm of educational reform after his graduation from the University of Herborn in 1612 were directed toward improving the schools of the brethren, first at Prerau, where he became rector of the *Gymnasium* in 1614 and later at Fulneck, where he served as pastor and school superintendent from 1618 to 1621. As a result of the religious persecution accompanying the Thirty Years War he was eventually forced to flee from Moravia and to take refuge at Lissa, Poland. While devoting himself to the religious and secular education of the brethren at Lissa he elaborated his theories of education and composed numerous textbooks embodying his ideas. It was during these years also that he became obsessed by pansophism, a scheme to eliminate the religious and international dissensions of the world through scientific research and the universalization of knowledge. His plan, outlined in *Conatuum comenianorum praeludia*, attracted the attention of the English reformer Samuel Hartlib, who secured an invitation for Comenius to lay his plan before Parliament. Chelsea College had been practically selected as the seat of the Pansophic College when the civil war broke out and prevented further action. Bitterly disappointed, Comenius attempted to put his project into effect in Sweden, but soon discovered that his patron, Ludwig de Geer, was interested only in his textbooks and not in pansophism. In 1647 he was appointed bishop of the brethren and ten years later settled in Holland. During his last years mystical tendencies, which had never been less than dormant in his nature, became more apparent and produced a corresponding decline of his influence.

Although pansophism was the *ignis fatuus* of Comenius' career, his reputation rests on his reformed textbooks and on his writings dealing with the practical organization of schools. In the composition of these works he was guided by two fundamental principles, that all instruction should be carefully graded and that in so far as possible the teacher should appeal to the faculties of sense perception. He shared the tendency of his age to assign primary importance to the study of Latin but believed that it should be taught as a language of reality and not of books. His famous *Janua linguarum reserata*, which was translated into most European tongues and became almost a universal textbook, his *Vestibulum*, intended as an easy introduction to the *Janua*, and his *Orbis sensualium pictus*, the earliest illustrated textbook to enjoy a wide circulation, were all composed with the twofold object of imparting instruction in the language and of providing a compendium of useful knowledge. Comenius' most important contribution to educational theory was the *Didactica magna*, completed in Czech in 1632 and in Latin in 1638. In this work he presented a complete educational ladder, beginning with a school of infancy and ending with advanced research institutions, a scheme modern in its breadth and insight. Some of his views on early instruction received further elaboration in his *Schola infantiae*, which was composed primarily as a manual for parents. He also wrote a number of treatises on philosophical and theological subjects, and several historical accounts of the Moravians.

I. L. Kandel

Works: *Conatuum comenianorum praeludia* (ed. by S. Hartlib, Oxford 1637), tr. by J. Collier as *A Patterne of Universall Knowledge* (London 1651); *Janua linguarum reserata* (Löschna 1631), English translation by T. Horn ed. by J. Robotham and H. D. (London 1650), dramatized as *Schola ludus* (Patak 1656); *Januae linguarum reseratae vestibulum* (1633) appeared in the *Opera* in revised form as *Auctarium*; *Orbis sensualium pictus* (Nuremberg 1658, 3rd ed. 1662), ed. by J. Kühnel (Leipsic 1910), translation by C. Hoole ed. by C. W. Bardeen as *The Visible World* (Syracuse 1887); *Didactica magna*, first published in vol. i of his *Opera*, English translation by M. W. Keatinge, 2 vols. (2nd ed. London 1907–10); *Schola infantiae* appeared first in the *Opera*, translation by D. Benham ed. by W. S. Monroe as *The School of Infancy* (Boston 1896). Except for the *Orbis pictus*, all of Comenius' educational works were collected in his *Opera didactica omnia*, 4 vols. (Amsterdam 1657).

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COMITADJI. The Turkish word *comitadji*, meaning committee man or supporter of the committee, is applied to members of the Macedonian Committee, which is more properly known as the Interior Macedonian Revolutionary Organization. This organization, founded in 1893 by a group of young Macedonian school teachers under the leadership of Damian Gruev and Gotze Deltchev, had as its original program popular agitation designed ultimately to force recognition by Turkey of a limited Macedonian autonomy as guaranteed by Article xxiii of the Treaty of Berlin. Although from the beginning membership in the organization was open to all Macedonians—whether they belonged to the Serbian, Greek, Rumanian, Turkish, Jewish or Bulgarian racial groups—the actual direction of affairs tended to center in the hands of a revolutionary majority composed of Bulgars. So effectively were secret methods maintained that it was not until 1901, as a result of the seizure of the organization's archives in Salonika and the subsequent arrest of practically all the leaders, that the neighboring countries of Greece, Serbia and Bulgaria became aware of the serious threat of Macedonian autonomy which, if attained, would collide squarely with their expansionist ambitions.

Each of these countries, intensely suspicious of one another and having in common only a hatred of Turkey, maintained an active propaganda among its particular group within Macedonia; each fostered its own language, schools and churches, hoping thereby to establish a claim for future annexation following the anticipated liberation of Macedonia from the Turkish yoke. Greece, through its church, organized filibustering bands which by a campaign of terrorism should counteract the influence of the local Macedonian agitators. Serbia's government, nourishing dreams of a Greater Serbia, likewise sought to nullify the movement for Macedonian autonomy.

The most effective pressure of this kind was exerted, however, by Bulgaria, whose racial affinity with the Macedonians was closer than that of the other countries. Bulgaria, freed by the Treaty of San Stefano (1878) from Turkish domination and awarded generous boundaries which included Macedonia, in spite of her protests had been forced to accept the reversal of diplomatic policy represented by the Treaty of Berlin, which restored Macedonia to Turkey.

Also there was in Bulgaria a large body of immigrant Macedonians who had fled from Turkish persecutions. These refugees organized political societies whose leaders established, more or less with the support of government officials who were also in many cases Macedonian immigrants, the Supreme Macedo-Adrianople Committee under the leadership first of Boris Sarafov and later of General Tsonchev. In 1902 bands of young Macedonians, led principally by Bulgarian army officers of Macedonian birth, were sent across the frontier to stir up revolutionary activities against the Turks. The raiders, to their surprise, found themselves confronted not by Turkish soldiers alone, but by the organized forces of the Interior Macedonian Revolutionary Organization, which thus for the first time actively repudiated the Bulgarian expansionist movement and which was now engaged in the slow task of arming and disciplining a revolutionary force within Macedonia which should eventually be strong enough to assert itself. Tsonchev's raids brought no results, but the leaders of the Interior Organization, fearing further activities from this direction, were compelled to precipitate a general uprising the following year (1903), though not fully prepared for it. It was, of course, crushed by Turkish military force, but at least it succeeded in bringing about European intervention.

The reforms promised by the sultan in response to the European intervention were, as usual, not forthcoming. On the contrary, most severe retribution for the insurrection was dealt out to the Macedonians. The Revolutionary Organization was now definitely known to the world as a power and as the sole representative of Macedonian aspirations. Expansionist activity in Sofia dwindled. Russia brought pressure to bear upon the Bulgarian government, forcing it to suppress Tsonchev's Supreme Committee in Sofia. The raids were abandoned and Sarafov went so far as to accept, although with some mental reservations, membership in the Macedonian organization. Serbian and Greek bands were driven back against their frontiers, although for a number of years afterwards there was almost continuous skirmishing between them and the comitadjis. Against the expansionist activities of these countries the organization in its proclamation of 1903 committed itself categorically: "Our work . . . is superior to all national and racial prejudices. We accept as brothers all who suffer under the yoke of the sultan."

During the next five years the organization attained its fullest development. In 1906 a general congress finally ratified a constitution and a definitely outlined policy for the future guidance of the members. The slogans "Macedonia for the Macedonians" and "Evolution, not Revolution" were run as standing matter on the front page of the official organ, edited by Yavorov, Macedonia's foremost poet. Its program included agitation for autonomy, under Turkish rule or under a Balkan federation, and opposition to the expansionist activities of the neighboring states. A broad, non-Marxian socialism was, as it still is, the underlying philosophy of the movement. Organization was on a democratic basis. The local committee, elected by universal suffrage, sent a delegate to the *rayon* committee. Above this was the *okrug* committee, covering a territory corresponding to the *vilayet*. From the *okrug* committees came the forty-seven delegates to the regular general congresses, which elected and vested with executive authority the Central Committee of three members. There was another body, known as the Zadgranitchno Predstavitelstvo (Beyond-the-frontier representatives), appointed by the Central Committee, which represented the organization to all outsiders; it purchased arms, ammunition and other supplies and arranged channels for smuggling them into Macedonia. In matters of particular importance it acted in an advisory capacity to the Central Committee. In no case was authority ever delegated to single persons; hence the significance of the word *comitadji*.

Meanwhile conditions forced the organization to assume functions additional to those implied in its name. The Turkish administrative system, although not unduly oppressive, as the Macedonians have since learned by comparison, failed completely to provide law and order. The Macedonian committees, therefore, took on the functions of courts. Brigandage, which had been rife, was suppressed. In those districts assigned to the spiritual administration of the Greek church, where non-Greek schools were forbidden, "outpost" schools were established, the children taking turns on outpost duty, to warn the teachers of the approach of strangers. The *chetas*, or military bands, which during the early days of the organization had been developed under the authority of the *rayon* committees, enforced the decrees of the courts. To support them, in case of emergency, were the secret village militia bodies, with hidden arms. The beys, Turkish and Albanian landowners, were next brought into line. They were invited to discuss wages, and the large majority found it not only advisable but profitable to do so. Not a few of these beys became loyal members of committees. Tons of literature were printed—much of it propaganda, of course, but a considerable portion consisting of pamphlets on strawberry raising, grape culture, cattle breeding and the like. Such were the activities carried on between the frequent irruptive periods of skirmishing and warfare, during which the *chetas* resumed their military operations. The organization was literally an underground government functioning beneath the outer husk of the legal Turkish rule.

The Young Turk uprising in 1908 brought into power a group with whom the Macedonian organization shared at least a desire for a constitutional Turkey. When the Young Turks raised their flag in Ressen in southern Macedonia, the organization was with them. When the Young Turk army battered down the gates of Stambul to depose 'Abdul-Hamīd II, a *cheta* marched in the vanguard, headed by Yani Sandansky, an outstanding Macedonian comitadji. The Young Turks, however, overwhelmed by the more reactionary elements from Asia Minor, failed to bring about the expected reforms in Turkey's Balkan policy and the movement for armed resistance became increasingly strong.

When in 1912 the three rivals, Bulgaria, Greece and Serbia, decided on joint action against Turkey, the Macedonian organization enlisted as a fourth member of the alliance. Within a short time the Turkish Empire in Europe was destroyed and Turkish domination in Macedonia was at last ended. There is the feeling to this day that in this first Balkan war the comitadjis were deceived, even by their kinsmen in Bulgaria, for throughout they believed they were fighting for an autonomous Macedonia. Instead, the victorious nations began to quarrel among themselves over the partition of Macedonia. The second Balkan war, for which the Macedonian organization was primarily responsible, resulted in a crushing defeat for Bulgaria and in the extension of Greek and Serbian influence in Macedonia. The alliance of Bulgaria and Macedonia with the Central Powers in the World War was another bid for recovery, and here too the Macedonians swung the balance. The Greater Bulgarian movement again suffered a severe check. Bulgars in large numbers emigrated from Macedonia to Bulgaria and created a floating population conducive to the spread of violence.

The Interior Macedonian Revolutionary Organization was revived in 1920 by Todor Alexandrov and the Central Committee was reestablished. Never was it more alive than today; never has it caused greater worry to the minds of European diplomats. Its strength and influence would undoubtedly be greater were it not for the internal broils which shake its solidarity. First it was Sarafov who after becoming a member attempted to revive the Greater Bulgaria propaganda. For this he was killed. In 1924 it was Soviet gold; Moscow offered financial aid and in the quarrel over whether this should be accepted Alexandrov was killed, although his, the anti-Bolshevik, side finally won. In 1928 it was the old pre-war issue—autonomy or union with Bulgaria. Macedonians who had held commands in the Bulgarian army during the wars had penetrated the organization. But their leader, General Alexander Protoguerov, was killed. The old idea, Macedonia for the Macedonians, triumphed. The cause of these dissensions may probably be found in the democratic basis of the organization, encouraging, as it does, the formation of parties. The members of the Central Committee in 1929 were Ivan Michailov, a graduate of a Serbian high school in Macedonia, later law student in Sofia University; Strahil Razvigorov, a lawyer; and Ivan Karadjov, a professor of history. The military element has been eliminated.

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See: NEAR EASTERN PROBLEM; MINORITIES, NATIONAL; NATIONALISM.

Consult: Bazhdaroff, G., *The Macedonian Question Yesterday and Today*, tr. by R. H. Markham and published by the Macedonian National Committee in Bulgaria (Sofia 1926), for an extensive bibliography; Interior Macedonian Revolutionary Organization, *La Macédoine et le vilayet d'Andrinople (1893–1903)* (Sofia 1904); Brailsford, H. N., *Macedonia* (London 1906) ch. v; Bérard, Victor, *Pro Macedonia* (Paris 1904); Tachauer, Boleslav (B. T.), "La question macédonienne" in *Revue de Hongrie*, vol. xxx (1924) 219–26, vol. xxxi (1924) 13–21, 72–79 and 110–19; Abbott, G. F., "Macedonia and Its Revolutionary Committees" in *Nineteenth Century*, vol. liii (1903) 414–29; Radeff, S., *La Macédoine et la renaissance bulgare au XIXe siècle* (Sofia 1918); Strézoff, G., *Les luttes politiques des bulgares macédoniens* (Geneva 1918); Georgevitch, T. R., *Macedonia* (London 1918); Colocotronis, V., *La Macédoine et l'hellénisme* (Paris 1919); Christowe, Stoyan, "Secret Government of Macedonia" in *Living Age*, vol. cccxxxv (1928–29) 332–35; Emin, Ahmed, *Turkey in the World War*, Carnegie Endowment for International Peace, Division of Economics and History, Economic and Social History of the World War, Turkish series (New Haven 1930) ch. v.

COMITY. With various refinements of meaning the term comity has become established as a legal concept in the conflict of laws, constitutional law and international law.

In the conflict of laws, or private international law, comity has acquired a rather technical meaning and has been the subject of much controversy. The fundamental theoretical problem in the conflict of laws has been concerned with the process by which principles derived from foreign law are given effect in the decision of cases adjudicated locally. Dutch jurists in the seventeenth century—notably Joannes Voet (1647–1713) and Ulricus Huber (1635–94)—conceived that foreign law is actually given effect locally and that the extent of its application depends upon comity. Huber elaborated three propositions, often repeated, which are in substance as follows: first, that the laws of each state have force only within the territory of that state; second, that all persons found within a state, whether their residence is permanent or temporary, are considered subjects of that state; third, that by comity the laws applied in any state are given like effect in other states, provided there is no prejudice to other states or their subjects.

Huber's maxims were accepted and elaborated in Story's *Commentaries on the Conflict of Laws* (Boston), first published in 1834. Story concluded that there was "not only no impropriety in the use of the phrase 'comity of nations,' but it is the most appropriate phrase to express the true foundation and extent of the obligation of the laws of one nation within the territories of another" (§ 38). While the maxims of Huber were reproduced also by Wheaton and were countenanced later by Holland, it was chiefly through Story that the theory of comity advanced by the Dutch school found its way into and largely influenced the development of English and American law. Delivering the opinion of the United States Supreme Court in a famous case, Chief Justice Taney declared: "The comity thus extended to other nations is no impeachment of sovereignty. It is the voluntary act of the nation by which it is offered; and is inadmissible when contrary to its policy, or prejudicial to its interests. But it contributes so largely to promote justice between individuals, and to produce a friendly intercourse between the sovereignties to which they belong, that courts of justice have continually acted upon it, as a part of the voluntary law of nations" [Bank of Augusta *v.* Earle, 38 U. S. 519 (1839) citing Story, *Conflict of Laws*, § 37]. In another leading case the United States Supreme Court decided that since foreign judgments were given effect only on grounds of comity there was no occasion for giving effect to the judgments of French courts in the absence of reciprocity. Four dissenting justices maintained, however, that interests acquired under foreign laws were given recognition as a matter of right [Hilton *v.* Guyot, 159 U. S. 113 (1895)].

The theory of comity in the conflict of laws has been vigorously criticized. Increasingly the conviction has spread that courts do not give exterritorial effect to foreign laws as matter of comity or grace, but that they are bound by their own rules of the conflicts of laws or by international law, which is said to be a part of their own law, to accord recognition and protection to foreign created rights. The acute mind of Lorimer penetrated the fallacies of the doctrine and denounced the so-called *comitas gentium* as an "old woman's fable"; Dicey saw in it only "idle logomachy"; Goodrich has branded it as "a slippery term"; Westlake suggested that it "had better be dropped"; and Kuhn has anticipated its "complete abandonment." There are, indeed, many indications that the theory is losing ground, where it once flourished, in the decisions of English and American courts. Among European jurists, who have always been more critical of the maxims of Huber, the theory of comity has been even more generally repudiated.

In the constitutional law of a federal state such as the United States comity has been interpreted to mean legally in substance what it means etymologically. For example, the United States Supreme Court has, as a matter of comity, declined to review the decision of a state commission until the complaining party has availed himself of the appeal to the state courts which the local law provides [Prentis *v.* Atlantic Coast Line, 211 U. S. 210 (1908)]. On grounds of comity, likewise, United States federal courts in one circuit may follow the decisions rendered in another circuit although not bound legally to do so [Mast, Foos & Co. *v.* Stover Mfg. Co., 177 U. S. 485 (1900)]. On similar grounds United States federal courts usually accept the interpretation of a state statute or constitution which has been adopted by the courts of the state concerned [Burgess *v.* Seligman, 107 U.S. 20 (1882)]. And conflicts in jurisdiction between state and federal courts or between federal courts of concurrent jurisdiction have frequently been resolved upon principles of comity [Covell *v.* Heyman, 111 U.S. 176 (1883)].

In public international law the notion of comity (*comitas gentium*, *convenance et courtoisie internationale*, *Staatengunst*) is generally invoked to explain such practises as are more or less consistently observed, although not considered as having the quality of legally binding customs. Thus comity is a factor which influences the growth of international law; and usages based on comity are sources from which law may be expected to develop. Despagnet distinguishes usages based on comity from rules of international morality on the one hand, upon the ground that observance of such usages is conditioned on reciprocity, and from rules of international law on the other hand, upon the ground that non-observance of such usages gives rise to no rights of reparation. Matters of ceremonial, the extradition of fugitives in the absence of treaty, the immunities of foreign merchant ships in port in the absence of treaty [Wildenhus's Case, 120 U. S. 1 (1886)] and consideration for the interests of other countries in deporting paupers and criminals have been said to rest on comity. Since public international law is the law of an imperfectly organized society it is frequently difficult to distinguish practises based on comity from those based on obligation. The immunities of foreign merchant ships in port, for example, are founded upon comity, in the absence of treaty, according to the Anglo-American view, while according to the French view they are founded upon legal obligation. It is noteworthy that certain practises referred to as comity by earlier writers are regarded by contemporary writers as conforming to legally binding custom. It may be anticipated that many of the practises now founded on comity will eventually become legally binding custom.

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See: CONFLICT OF LAWS; INTERNATIONAL LAW; SOVEREIGNTY; COURTS.

Consult: Hershey, Amos S., *The Essentials of International Public Law and Organization* (rev. ed. New York 1927) p. 16, where a long list of authorities is cited; Beale, J. H., *A Treatise on the Conflict of Laws*, vol. i, pt. i (Cambridge, Mass. 1916–) p. 18–113; Lainé, Armand, *Introduction au droit international privé*, 2 vols. (Paris 1888–92) vol. ii, p. 95–112; Lorenzen, E. G., "Huber's 'De conflictu legum'" in *Illinois Law Review*, vol. xiii (1918–19) 375–418; Piggott, F. T., *Law and Practice Relating to Foreign Judgments and Parties out of the Jurisdiction* (2nd ed. London 1884) p. 4–22; Barry, Herbert, "Comity" in *Virginia Law Review*, vol. xii (1925–26) 353–75.

COMMANDEERING. *See* REQUISITIONING, MILITARY.

COMMENDATION. *See* FEUDALISM.

COMMENTATORS. The commentators were a school of jurists which arose in the second half of the thirteenth century in France and Italy. The school derived its name from its method of treating the Roman texts. Since it succeeded the school of the glossators it is also sometimes known as the school of the post-glossators. Again, its expositors are often called Bartolists after the name of its greatest master.

The school of the commentators, which arose at a time when Accursius was still in his ascendancy, represented a strong reaction against the gloss. The glossators had been inspired by a double purpose: to discover the exact meaning of the Roman texts and to introduce into mediaeval practise the pure Roman law embodied in those texts. But not only was it impossible to apply the Justinian law in its integrity to mediaeval conditions of life, as the writings of the later glossators bear witness, but the great gloss of Accursius, treated as an infallible authority, had in fact supplanted the Roman texts. The new juristic movement inaugurated by the commentators represented a demand for greater independence in legal thought and practise and called for a new synthesis to develop the law in harmony with mediaeval conditions. It arose in France where during the twelfth and the first half of the thirteenth century the exegetical method of the Italian glossators had been adopted by a certain number of French civilians and canonists. Jacques de Revigny (Jacobus de Ravanis), philosopher and theologian, professor at Toulouse and later at Orléans, may be considered the founder of the commentators. He applied to the law the method which Thomas Aquinas had used in theology, the dialectics of scholasticism, and in France he was followed by many disciples, notably Pierre de Belleperche (Petrus de Bellapertica), likewise professor at Toulouse and Orléans, who died in 1308. The great reputation of these French jurists awakened an interest among the jurists of Italy. Cino da Pistoia (*q.v.*) came to France to study the new method, and it was he who introduced it into Italian legal study. Bartolus of Sassoferrato (*q.v.*), unquestionably the greatest and most influential of the commentators, studied under Cino. Baldus de Ubaldis (*q.v.*), the pupil of Bartolus, was the most distinguished of all his successors. Among other commentators of note were Albericus of Rosate (d. 1354), Bartholemew Salicetus (1330–1412), Paul of Castro (d. 1441), Raphael Fulgosius (1367–1427), Paulus de Imola, Philippius Decius and Jason de Maino.

Applying their dialectical method to the Roman texts the commentators sought to extract from them principles and theories that would meet the needs of contemporary practise. As distinguished from the glossators, who had accumulated a vast number of *casus*, many of which were unrelated to one another, the commentators endeavored by the processes of logic to deduce from general principles all the corollaries which they contained; they thus aimed at the production of methodical expositions, with divisions and subdivisions. Their work was essentially constructive, as opposed to the glossators' labor of interpretation. Although they were not seeking to free the pure Roman law from the gloss they created legal systems based in large measure on the Roman law. But while they drew many elements from the Roman legal system they gave full consideration to mediaeval legal sources, such as city statutes, Germanic and feudal customs and the rules and principles of canon law. Bartolus, for example, used custom and statute not merely as illustrations but as parts of his elaboration of a system of law which, while based on Roman law, was to have practical application in the Italian courts of his own day.

The commentators developed many ingenious and fruitful theories both juridical and political, useful in the later Middle Ages and also in modern times, as, for example, the theory of personal and real statutes established by Bartolus. Although derived in part from Roman texts these theories were essentially mediaeval in character, being based upon isolated texts or fragments which were frequently misunderstood or given a meaning different from their original signification in Roman law. The legal and political thought of Bartolus and also of most of the other commentators reflected and interpreted Italian conditions of their own time. Although they derived many elements of their thought from the writings of the glossators and canonists, the commentators adopted, modified or expanded the theories of the earlier jurists. Thus Bartolus elaborated the theory of juristic personality which the glossators and the canonists had originated. The influence of the ideas of Bartolus may be further illustrated by his doctrine in regard to the binding force of Roman law. To Bartolus it was still essentially the emperor's law, but he separated obedience to the emperor's laws from recognition of the emperor himself, holding that obedience to the Roman law was not dependent upon recognition of the Roman emperor. In the later Middle Ages and during the age of the Renaissance this idea of the universal validity of Roman law as *jus commune* lay at the basis of many of the processes of adopting Roman law throughout Europe.

The great achievement of the commentators was the transformation of the Roman law into a mediaeval Italian law. They created a literature on Romano-Italian law which not only possessed authority in Italy itself but played a role of great importance in the legal and political life of Europe as a whole. The preeminence of Bartolus in the school is marked by the professional maxim that no one was a jurist who was not a Bartolist (*nemo iurista nisi sit Bartolista*); and, indeed, not only in Italy but also in many other parts of Europe the opinions of the great commentator, some of which have preserved their validity to the present day, were held to be the law itself. The scholastic method elaborated by Bartolus and his school, known as the *mos italicus*, exerted a far reaching influence and was adopted in other European countries, notably in Germany. Indeed, it was the Romano-Italian law of the commentators which crossed the

Alps into Germany in the period of the reception. Even into the sixteenth century, despite the protest of early Renaissance writers, the lawyers proceeded on the lines developed by Bartolus and his school, whose work was largely continued by the "practical jurists," who for their own age further adapted Roman legal materials to the needs of daily practise in the courts.

But the eager pursuit by the commentators of their ideal to solve all problems by a painstaking and elaborate logic unquestionably led many members of the school to absurd refinements. Boccaccio's remark that in the hands of the commentators law had ceased to be a science was a criticism far too severe, but there was, nevertheless, much truth in the sentence which Cujas passed upon the school as a whole: *verbosi in re facili, in difficile muti, in angusta diffusi*. A great mass of books written in a harsh crude style, a mass which would have made, it has been said, *multorum camelorum onus*, issued forth as the result of their labors. Once again, as in the similar case of the Accursian gloss, the texts of the pure Roman law were now buried beneath mediaeval dialectical exercises. Teachers, practitioners and judges came to do little more than cite authorities by name and treatise, and as a result there arose the doctrine of *communis opinio*, the doctrine that the sound juristic view was that which had the greater number of supporters in the books. Thus the new life given to legal studies by the work of the early commentators was followed by a period of stagnation.

During the fifteenth century, while the Bartolists were still in the ascendancy, humanism created a new movement in Italian legal studies. Classical scholars and poets, notably Lorenzo Valla (d. 1457), Pomponius Leto (1428–98) and Angelo Politian (1454–96), devoted their learning and skill to an enthusiastic study of the Roman legal texts. They aimed to restore the Roman law of the classical jurists as the basis of the Justinian codification and later legal growth, seeking through the help of history and philosophy to infuse legal research with the spirit of new and enlightened tendencies and to give to law itself a true scientific foundation. The work of the fifteenth century humanists was carried on by one of the most famous of all the Renaissance jurists, Andrea Alciati (*q.v.*), a Milanese professor who more than any other humanist personified the new school of legal thought which had arisen as a reaction against the Bartolists. Alciati transplanted to France the aims and methods of the science he had learned and taught in Italy; while in France Jacques Cujas (*q.v.*) brought the work of the school to its highest perfection. The Renaissance jurists, notably Alciati and Cujas, used in general the historical method, but other French jurists of the school, especially Douaren (*q.v.*) and Doneau (*q.v.*), applied another method, the synthetic and dogmatic, in studying the Roman texts.

The aims of the commentators were fundamentally different from those of the other two schools. While the Bartolists strove to formulate a mediaeval Italian law, both the glossators and the Renaissance jurists represented a revival of ancient Roman law. The dialectical method of the commentators also differed fundamentally from the interpretative method followed by the glossators and also from the historical method of Cujas and other sixteenth century jurists; but, on the other hand, there was an affinity between the dialectical method of the Bartolists and the dogmatic method, suffused by logic, of Doneau and the jurists who followed his example. In yet another respect, that of system, there was similarity between the Bartolists and Doneau; but while the Bartolists, using an analytical-exegetical method, wrote treatises on mediaeval law Doneau employed the processes of natural synthesis to reconstruct the legal system of ancient Rome. The great French school of the sixteenth century exercised an extensive influence upon the whole world. That influence was, however, largely of a scientific and educational character; on the practise of the courts it left an imprint of far lesser significance. In Germany the courts remained faithful to Bartolus and in France to the doctrines of the school of Jacques de Revigny and Bartolus; indeed, Dumoulin (*q.v.*), the last of the great Bartolists, wielded on practise a far greater influence than Cujas.

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See: LAW; ROMAN LAW; GLOSSATORS.

Consult: Savigny, F. K. von, *Geschichte des römischen Rechts im Mittelalter*, 7 vols. (2nd ed. Heidelberg 1834–51); Esmein, A., *Cours élémentaire d'histoire du droit français* (15th ed. by R. Génestal, Paris 1925) p. 723–35; Chénon, E., *Histoire générale du droit français public et privé*, 2 vols. (Paris 1926–29) vol. i, p. 502–13, vol. ii, p. 329–31; Caillemer, E., "L'enseignement du droit civil en France vers la fin du XIII^e^ siècle" in *Nouvelle revue historique de droit français et étranger*, 3rd ser., vol. iii (1879) 599–618; Flach, J., *Cujas, les glossateurs et les bartolistes* (Paris 1883); *Continental Legal History Series*, vol. i (Boston 1912); Gierke, O. von, *Das deutsche Genossenschaftsrecht*, 4 vols. (Berlin 1868–1913) vol. iii (a survey of theories of juristic personality held by the Bartolists); Woolf, C. N. S., *Bartolus of Sassoferrato: His Position in the History of Medieval Political Thought* (Cambridge, Eng. 1913).